

**PUBLIC WORKS DEPARTMENT**

**PPP DIVISION**

**Government of Rajasthan**

**DRAFT**

**RESETTLEMENT POLICY FRAMEWORK**

**WORLD BANK – FUNDED PROJECT**

**RAJASTHAN STATE HIGHWAY ROAD DEVELOPMENT  
PROGRAMME**

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## ABBREVIATIONS

CPIAL	Consumer Price Index for Agricultural Labourers and Rural Labourers
DC	District Collector
EA	Executing Agency
GOI	Government of India
GOR	Government of Rajasthan
GRC	Grievance Redressal Committee
IA	Implementing Agency
IAY	Indira Awaas Yojana
LA	Land acquisition
LAA	Land Acquisition Act, 1894
L&LRO	Land and Land Revenue Office
OBC	Other Backward Classes
RFCT LARR Act	The Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act
LVC	Land Valuation Committee
MFJ	Multi tranche Financing Facility
NGO	Nongovernment organization
ODR	Other District Road
PD	Project Director
PIU	Project Implementation Unit
PAP	Project Affected Person
PPP	Public Private Partnership
PAH	Project Affected Household
PAP	Project Affected Person
PWD	Public Works Department
R&R	Resettlement and Rehabilitation
RPF	Resettlement Policy Framework
RO	Resettlement Officer
ROW	Right-of-way
RSHIP	Rajasthan State Highway Improvement Program
RAP	Resettlement Action Plan
SC	Scheduled Caste
SH	State highway
SIA	Social Impact Assessment
VGJ	Viability Gap Funding
WB	World Bank

## 1. INTRODUCTION

### 1.1 Project Description

Rajasthan has a road network of 193,017 km, including 7,260 km of National Highways (NH), 10,953 km of State Highways (SH), 9,900 km of Major District Roads (MDR), 25,033 km of Other District Roads (ODR) and 139,871 km of Village/Rural Roads. Road density in Rajasthan is only about 60 km per 100 sq. km, compared to the national average of 110. Per capita development cost in the state is very high due to the widely dispersed population. Years of under-investment and inadequate maintenance left many of the State Highways and MDRs in poor condition in terms of riding quality, geometry, pavement strength, drainage and safety standards. To provide effective linkages from rural areas to markets and to support growing economic potential of the state, significant improvements in the highway network are required. There has been limited investment in improving state highways and district roads to accommodate greater volumes of traffic, but much more is required to develop the state highway network.

To improve the state core network, comprising all state highways and major district roads, the state government initiated the implementation of Rajasthan State Highways Improvement Program (RSHIP). RSHIP aims to improve about 20,000 km of state highways and major district roads to 2-lane standard in two phases during a period of 5 years from 2014 to 2018. The phase 1 of RSHDP was designed to engage private sector investment through public-private partnership (PPP) for about 9,000 km of state highways. Two models of PPP are developed, viability gap funding (VGF) for roads with adequate capacity of revenue generation, and annuity for other roads.

The GOR, through the Department of Economic Affairs of Ministry of Finance, GOI, requested WORLD BANK to consider a loan to help finance the civil works under the PPP contracts, and support the capacity development for the PWD of Rajasthan on the key areas such as policy and business procedures, road asset management, and road safety.

For the proposed State Highway Improvement Program, State Government of Rajasthan is the Executing Agency (EA) and the PPP Division of PWD is the Implementing Agency (IA). The PPP division of PWD, headed by Additional Chief Engineer, has project implementation unit (PIU) for Contract Packages of project roads in their respective areas. Project Implementation Units (PIU) at the field level are responsible for conducting the social assessment and formulating Resettlement Action Plan (RAP), as outlined in this Resettlement Policy Framework (RPF).

RSHIP-1 is being implemented through PPP division of PWD. Ultimately, the Investment Program will improve access to social and economic activities in Rajasthan.

### 1.2 Project Components and Scope of Land Acquisition

Under World Bank financial assistance, nearly 800 Km have been identified under Tranche-1 in five different Packages. Tranche 1 will finance 11 sub project roads. The project roads are to be constructed

under two modalities i) Annuity mode with a length of 293.884 km and ii) EPC mode with a length of 471.160 km.

Land acquisition for Tranche 1 for 11 sub project road is 193.910 ha, private land required for the improvements proposed is 164.800 ha. The state highways proposed for upgrading are distributed across 12 districts namely Bikaner, Churu, Jhunjhunu, Sikar, Ajmer, Tonk, Jalore, Jaipur, Nagaur, Pali, Jodhpur and Bhilwara districts.

The private land proposed for acquisition is mostly strips of land, with the width varying from 5-10m and abetting the existing road. The proposed upgrading generally includes cross-section improvement to at least intermediate 3.5m lane with 0.800m shoulder of drains, and depending on the terrain, land use, and availability of right-of-way particularly in urban areas will have flexible or rigid pavement, raise embankment, open or closed drain and earthen or lined side drains. Bypasses to minimize land acquisition; widening, rehabilitation, and repairs of bridges and cross-drains. In addition, toll plazas, bus shelters and road safety measures will be included in all subprojects.

**Table 1. List of Subprojects and Scope of Land Acquisition under Tranche-1**

Scheme /Mode	Name of Highway	District	Length (km)	Area of Land to be Acquired (Ha)		
				Private	Govt.	Total
WB-I / Annuity/01	Padampur- Raisinghnagar&Sattasar- Rojari - Bikaner section of Ganganagar-Bikaner Road SH-03	Bikaner	92.950	0.0000	0.0000	0.0000
WB-I / Annuity/02	Jhunjhunu- Rajgarh	Churu Jhunjhunu	62.880	0.0000	2.2212	2.2212
WB-I / Annuity/02	Neemkathana – Khetri	Jhunjhunu Sikar	37.620	31.5000	3.7100	35.2100
WB-I / Annuity/03	Kishangarh – Arain – Malpura	Ajmer Tonk	66.980	1.6600	0.3350	1.9950
WB-I / Annuity/04	Bhinmal-Raniwara	Jalore	33.414	4.8960	0.1040	5.0000
WB-I / EPC/04	KhooD – Dataramgarh – Renwal	Jaipur Nagaur Sikar	51.035	1.0800	2.0950	3.1750
WB-I / EPC/04	Palri- Makrana- Khatu including Parbatsar- Bidiyad- Makrana	Nagaur	37.200	10.5000	16.9794	27.4794
WB-I / EPC/01	Banar - Bhopalgarh - Kuchera	Jodhpur Nagaur	128.04	31.60	0.0000	31.5950
WB-I / EPC/02	Bhavi - Pipad – Khinvsar	Jodhpur Nagaur	97,000	85.6900	25.9800	111.6700
WB-I / EPC/03	Jodhpur - Marwar Junction- Jojawar	Jodhpur Pali	119.140	25.435	0.0000	26.3330

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Scheme /Mode	Name of Highway	District	Length (km)	Area of Land to be Acquired (Ha)		
				Private	Govt.	Total
WB-I / EPC/05	Hurda – Banera	Bhilwara	53.300	21.1820	3.1300	24.3120
	Total	12 districts	765.004	164.800	29.110	193.910

## 2. OBJECTIVES AND PRINCIPLES OF RESETTLEMENT POLICY FRAMEWORK

The Resettlement Policy Framework (RPF) outlines the objectives, policy principles and procedures for land acquisition, compensation and other assistance measures for Project Affected Persons (PAPs). It includes guidance on screening and categorization, assessment, planning, institutional arrangements and processes to be followed for all subprojects.

The Implementing Agency through its PIUs will be responsible for conducting the social assessment and formulating Resettlement Action Plans (RAPs) for subprojects, as per the procedures outlined in this RPF. The draft RAPs will be disclosed to the PAPs and submitted to World Bank for review and approval prior to commencement of any civil works. Compensation and other assistances will have to be paid to PAPs prior to any physical or economic displacement of Project Affected Households (PAHs).

### 2.1 Purpose of Resettlement Policy Framework

This policy framework clarifies the resettlement principles to prepare Resettlement Action Plans for sub-projects in accordance with the World Bank's Operational Policy on Involuntary Resettlement 4.12 and national law, primarily, the Right to Fair Compensation and Transparent Land Acquisition and Rehabilitation and Resettlement Act, (RFCTLAR&R) 2013.

Accordingly, the RPF has been prepared mapping the laws and regulations and procedures relating to the agencies responsible for implementation of resettlement and compensation. The RPF is applicable to the entire project. The purpose of this RPF is to do the following:

- (i) specify the requirements that will be followed in relation to project screening and categorization, assessment and planning, including arrangements for meaningful consultation with displaced people and other stakeholders, information disclosure requirements and where applicable, safeguard criteria that are to be used in selecting project and/or components;
- (ii) assess the adequacy of the client's capacity to implement national laws and WB's requirements and identify needs for capacity building;
- (iii) specify implementation procedures, including the budget, institutional arrangements and capacity development requirements;
- (iv) specify monitoring and reporting requirements;
- (v) describe the responsibilities of the client and of the World Bank in relation to the preparation, implementation and progress review of social safeguard documents of project;
- (vi) lay out the principles and objectives governing the preparation and implementation of RAPs and ensures consistency with World Bank Safeguards policies requirements;
- (vii) compares applicable national laws, regulations, World Bank Safeguards policies and outlines measures to fill identified gaps.

### 2.2 Objective of the Resettlement Policy Framework

The objective of this RPF is to appropriately identify, address and mitigate adverse socio-economic impacts that may occur due to the implementation of projects that involve involuntary acquisition of



land and subsequent resettlement of affected families. Without proper planning and management, involuntary resettlement may result in long-term hardship for affected people. Hence, the RPF aims to avoid involuntary acquisition of land (and subsequent resettlement) wherever possible and in cases where it is unavoidable, the RPF requires Appropriate Government to develop a robust rehabilitation and resettlement plan to effectively manage the social impacts created by the project. The plan would identify full range of people affected by the project and justify their displacement after consideration of alternatives that would avoid or minimize displacement.

### **2.3 Basic Principles of the Policy Framework**

The Policy aims to resettle and rehabilitate affected persons on account of its sub projects in a manner that they do not suffer from adverse impacts and shall improve or at the minimum retain their previous standard of living, earning capacity and production levels. It is also the endeavor of the GoR PWD that the resettlement shall minimize dependency and be sustainable socially, economically and institutionally. Special attention will be paid for the improvement of living standards of marginalized and vulnerable groups.

This policy recognizes that involuntary resettlement dismantles a previous production System and a way of life, all such rehabilitation programs will adopt a developmental approach rather than the welfare approach. These guidelines details out the assistance in re-establishing the homes and livelihoods of the Project Affected Person (PAP) during the course of projects.

All information related to resettlement preparation and implementation will be disclosed to all concerned, community participation will be ensured in planning and implementation.

Negotiated settlement for direct purchase of land will also be used as required.

The persons affected by the project who does not own land or other properties but who have economic interest or lose their livelihoods will be assisted as per the broad principles brought out in this policy. Before taking possession of the acquired lands and properties, compensation and R&R assistance will be made to those who are available and willing to receive the entitlements in accordance with this policy.

There would be no/or minimum adverse social, economic and environmental effects of displacement on the host communities but if needed specific measures would be provided.

Broad entitlement framework of different categories of project-affected people has been assessed and is given in the entitlement matrix. Provision will be kept in the budget. However, anyone moving into the project area after the cut-off date will not be entitled to assistance.

The grievance redress mechanism has been established at PMU and PIU to ensure speedy resolution of disputes.

All activities related to resettlement planning, implementation and monitoring would ensure involvement of women. Efforts will also be made to ensure that vulnerable groups are included.

All consultations with PAPs shall be documented. Consultations will continue during the

implementation of resettlement and rehabilitation works.

As required, a Resettlement Action Plan will be prepared including a fully itemized budget and an implementation schedule.

The basic principles on the basis of which the RPF has been developed are:

- **Avoidance:** wherever possible, involuntary acquisition of land should be avoided
- **Least disturbance:** where involuntary acquisition is not avoidable, efforts will be made to minimize displacement, damage to / loss of property, loss of livelihood and any other negative social impact the project may have. Only the minimum amount of land required for a project is to be secured
- **Public purpose:** the land acquired must be found to serve a legitimate and *bona fide* public purpose and the social benefits should outweigh and potential social costs
- **Participative:** the process of land acquisition should be done through a humane, participative, informed and transparent process in which local self-government and Gram Sabhas are consulted and interested parties are fully informed and have a chance to air their grievances
- **Fair compensation:** the affected families will receive fair compensation for any loss of land along with a compensation award for resettlement
- **Maintaining the social and economic status of families:** the RPF is based on the principle that there should be minimal possible negative impacts on the livelihoods of the affected families. Where resettlement is unavoidable, the resettlement plan should attempt to ensure that affected families are able to maintain the same social and economic status as they did before displacement. Affected families will be provided appropriate compensation and where possible jobs in the project.

## 2.4 Preparation of SIA/SIMP and RAP

The SIA/SIMP cum RAP will be prepared for the 11 sub-project roads. SIA SIMP cum RAP has been prepared for three sub-project roads. SIA for non-titleholders will also be conducted in case of sub-projects not involving land acquisition. PWD, PPP division has been conducting social impact assessment to identify social issues and stakeholders and communities, including socially and economically disadvantaged communities. The assessment is identifying local population likely to be affected by the project either directly or indirectly in accordance with the RFCTLARR Act 2013, Rules framed by the state government thereunder, and in compliance with World Bank Safeguard policies. Impacts and risks of potential investments will address the social safeguards gender and citizen's engagement issues. The scope of the SIA includes the following:

- Inform, consult and carry out dialogues with the project stakeholders on matters relating to project design, objectives, and implementation and provide specific recommendations to avoid/minimize high social risks;
- Screen the social development issues in the project area and its vicinity and accordingly design the social services that may have to be provided by the project in order to improve the quality of life;
- Identify likely loss of community assets (e.g. school, community assets) including the religious structures and common property resources (e.g. forest, grazing land) the impacts of their loss on the local population;
- Assess the impact of influx of construction workers and others (both during civil works and operation of the project) on the incidence of HIV/AIDS and other diseases and develop a strategy

to control them;

- Will assess the capacity institutions and mechanisms for implementing social development aspects of the project implementation including the social safeguard plans and recommend capacity building measures; and,
- Develop monitoring and evaluation mechanism to assess the social development outcomes.
- Include actions related to beneficiary feedback, information dissemination, and grievance management.

## 2.5 Sub Project Approval

In the event that a subproject involves land acquisition against compensation or loss of livelihood or shelter, PWD shall:

- not approve the sub-project until a satisfactory RAP has been prepared and shared with the affected person and the local community; and
- not allow works to start until the compensation and assistance has been made available in accordance with the framework

## 3 LEGAL AND POLICY FRAMEWORK

### Applicable Laws

The Policy Framework and Entitlements for the program are based on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (RFCTLARR Act 2013); The Rajasthan Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules 2016, World Bank's OP 4.12 and various government rules issued by state government for issues related to R&R and land acquisition.

#### 3.1 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARR), 2013

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013, provides for a transparent process and just and fair compensation to the affected families whose land is acquired or proposed to be acquired or are affected by such acquisition and provides for rehabilitation and resettlement of the affected families.

The RFCTLARR Act applies to acquisition of land for a public purpose, as defined in the Act. The Act provides for consultation with and involvement of local self-government in undertaking a Social Impact Assessment (SIA). The SIA is reviewed by an Expert Group to assess if the potential benefits of the project outweigh the social cost and adverse social impacts.

The Act provides for three methods of valuation and a solatium of 100% is payable on the market value of land multiplied by the factor and all immovable properties or assets, trees and plants.

#### 3.2 Legal and Policy Framework of Rajasthan

The legislations and policy concerning the land acquisition and resettlement formulated and adopted by State Government of Rajasthan are discussed in the following section.

##### 3.2.1 The Rajasthan Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules 2016

The Rules framed and notified by the Government of Rajasthan for the RFCTLARR Act, 2013 details the process of SIA, public hearing and SIA report and social impact management plan. The consent requirement in the format specified is to be obtained during the SIA. The rules also explain the process of preparing and publishing the rehabilitation and resettlement scheme. The State Rules do not deviate from the RFCTLARR Act 2013 and only provides the specifics for its implementation.

##### 3.2.2 Direct Purchase of land (Rajasthan Government Order 2016)

In order to speed up and simply the procedures of land acquisition for public purpose, Government

of Rajasthan has passed Government Order (GO) number (27)/ Rev.-6/2016 dated 26 April, 2016 for land acquisition for public purpose. Under this order, to negotiation with the land owners and reach consensus on compensation and rehabilitation by the District Collector.

Applicability of other social regulations and legislations is given in the table below:

#### Relevant Social Legislations

Acts/Rule/Policy	Year	Objective	Applicability to this project	Responsible Agency
Ancient Monuments and Archaeological Sites and Remains Act	1958	Conservation of cultural and historical remains found in India.	No as no such features was found within 300 m from the proposed road	Archaeological Dept. GOI, Indian Heritage Society and Indian National Trust for Art and Culture Heritage
Seventy Third Constitution Amendment Act,	1992	The Act enables participation of Panchayati level institutions in decision-making by broadening the village level functions, supporting implementation of Development schemes.  The Act provides for involvement of the PRIs especially, the Gram Sabha/ Panchayat during project Preparation and implementation. The Panchayats at the village level will be involved for preparation and implementation of the project.	Yes, road is passing through several Panchayati area	Department of Panchayati Raj, Government of Uttar Pradesh
The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act	2006	Grants legal recognition to the rights of traditional forest Dwelling communities, partially correcting the injustice caused by the forest laws. Makes a	No as project road is not passing through customary forest land as reserved and protected forests; protected	Ministry of Tribal Affaires, GOI and Department of Tribal Welfare, Govt. of Rajasthan

Acts/Rule/Policy	Year	Objective	Applicability to this project	Responsible Agency
		beginning towards giving communities and the public a voice in forest and wildlife conservation	areas and also community forest	

### 3.3 World Bank Safeguard Policies

The World Bank has Social Safeguard Policies to reduce or eliminate the adverse effects of development projects. Details are provided in the table below.

World Bank Safeguard Policies	Objective	Applicability	Safeguard Requirements
<b>OP/BP 4.12</b>	Involuntary Resettlement-The objective of this policy is to avoid or minimize involuntary resettlement where feasible, exploring all viable alternative project designs. Furthermore, it intends to assist displaced person in improving their former living standards; community participation in planning and implementing resettlement; and to provide assistance to affected people, regardless of the status of their legal title.	There will be need for limited land acquisition for certain project corridors resulting in: relocation or loss of shelter; loss of assets or access to assets; loss of income sources or means of livelihood.	Resettlement Action Plan in consultation with the community and project authorities. Resettlement Action Plan will be prepared).
<b>OP/BP 4.11</b>	Cultural Property –This policy aims at assisting in the preservation of cultural property, historical, religious and unique natural value-this includes remains left by previous human inhabitants and unique environment features, as well as in the protection and enhancement of cultural properties encountered in Bank financed project.	In subprojects cultural property, historical and religious properties may be impacted .	Contractor will be responsible for preparation of mitigation plans.
<b>OP/BP 4.10</b>	Indigenous People- This policy aims to protect the dignity, right and cultural uniqueness of indigenous	This policy may be triggered if there are indigenous people in the project area;	Indigenous people development Plan

World Bank Safeguard Policies	Objective	Applicability	Safeguard Requirements
	people; to ensure that they do not suffer due to development; that they receive social and economic benefits.	when potential adverse impacts on indigenous people are anticipated; and if indigenous people are among the intended beneficiaries.	

## 2.1 Comparative Analysis of World Bank OP 4.12 on Involuntary Resettlement and RFCTLARR Act, 2013

Topics/Issues/Areas	World Bank OP4.12	RFCTLAR&R 2013
Application of LA	Applies to all components of the project that result in involuntary resettlement, regardless of the source of financing.	<b>Section 2</b> Applicable to projects where government acquires land for its own use, hold and control, including PSU and for public purpose; for PPP where ownership of land continues to vest with govt. private companies where 80% of <b>land owners</b> have given consent or 70% in case of PPP.
Principle of avoidance	Involuntary resettlement displacement should be avoided where feasible, or minimized, exploring all viable alternative project design.	Alternatives to be considered as Act in chapter II, Section # 4 (d) says "extent of land proposed for acquisition is the absolute bare minimum needed for the project; and (e) says land acquisition at an alternate place has been considered and found not feasible.
Linkages with other projects		No such provision  Act mentions avoidance of multiple displacements due to acquisition under the Act.  Some of the R&R Provisions could also be linked to other development projects to integrate for relocation and livelihood options.
Application of R&R	Same as above	In addition to the above, <b>Section 2(3)</b> land purchased by private company as prescribed by Govt. or when part acquired by govt.  The Act has detailed processes and provisions for R&R.  Under the Act, the process of R&R would start at the time of the R&R Census and ends with the

Topics/Issues/Areas	World Bank OP4.12	RFCTLAR&R 2013
		Award of R&R duly overseen by the Commissioner for R&R and the Committees where relevant. All provisions related to R&R are mandatory and have to be formally awarded in the course of the Acquisition procedure. No possession can be taken of land acquired unless R&R provisions are complied with.
Affected area	Involuntary take of land resulting in loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood	<i>Section 3(b)</i> : Area notified for acquisition'
Family		<i>Section 3(m)</i> includes person, his and her spouse, minor children, minor brothers and sisters dependent.  Widows, divorcees, abandoned women will be considered as separate family.
Affected family for eligibility	All adversely affected people whether have formal legal rights or do not have formal legal rights on land	<i>Section 3 (a)</i> : whose land and other immovable property acquired.  <i>(b)&amp;(e)</i> : Family residing in affected area such as labourers, tenants, dependent on forest and water bodies, etc whose primary source of livelihood is affected due to acquisition  <i>(c)</i> Scheduled tribes and other forest dwellers whose rights recognized under the Forest Dwellers Act 2006.  <i>(f)</i> Family assigned land by state or central government under any schemes  <i>(g)</i> Family residing on any land in urban area that will be acquired or primary source of livelihood affected by acquisition.
Cut-Off date	Date established by the borrower and acceptable to the Bank. In practice it is the date of census.	<i>Section 3 c (ii), (iv) (vi)</i> : Families residing for preceding 3 yrs or more prior to "acquisition of land".
Non-application of Chapter II	Stand-alone SIA for all investments	<i>Section 6(2)</i> : Irrigation projects where EIA is required under other laws, provisions of SIA not applicable.



Topics/Issues/Areas	World Bank OP4.12	RFCTLAR&R 2013
		SIA may be exempted by Government in case of urgency provisions
Consultation – Phase I during preparation	Consultation a continuous process during planning and implementation	<b>Section 4(1)</b> date issued for <i>first consultation</i> with PRIs, Urban local bodies, Municipalities, etc to carry out SIA.  <b>Section 5:</b> Public hearing of SIA in affected area. Provide adequate publicity of date and time.
Time duration to prepare SIA and SIMP	Draft Social Assessment, Resettlement Action Plan and or Social Management Framework	<b>Section 4 (2):</b> <i>within six months</i> from the date of its commencement.
Disclosure – Stage I	To be disclosed before appraisal and 120 days before board date.	<b>Section 6(1):</b> Translated in local language available in PRI institutions and local urban government bodies; district administrative offices and websites of concerned government agency.
Formation of Expert Group to appraise SIA and SIMP	Appraised by Bank staff	<b>Section 7(1):</b> Constitute a multi-disciplinary Expert Group include members of decentralized govt. Institutes (PRIs, ULBs).
Time stipulated for Group to submit its report	Before the decision meeting for appraisal	<b>Section 7(4):</b> Submit its report <i>within two months from the date of its constitution</i>
Scope of work of the Expert group	Social Assessment, resettlement action Plan reviewed and appraised by Bank staff and approved by Regional safeguard advisor	<b>Section 7 (4) (a&amp;b):</b> assess whether it serves any public purpose or not; if social costs outweigh potential benefits then should be abandoned;  <b>Section 7 (5) (a&amp;b):</b> if serves public purpose, then it has considered minimum land acquisition, and alternate options to minimize displacement; potential benefits outweigh social costs
Consultation – Phase II during appraisal	In practice consultation workshops are organized in project affected areas at district and state level.	<b>Section 2 (2):</b> Prior consent of 80% and 70% of land owners in PPP and where private company has approached the govt. to acquire balance land has been obtained
Disclosure – Stage II	Information dissemination through the planning and implementation	<b>Section 7 (6):</b> recommendations of expert group under 7(4&5) to be made public in local language in district and block administrative office and PRIs
Minimize impact on multi-crop land	Select feasible design that has minimal adverse impact.	<b>Section 10:</b> In case irrigated multi-crop land is to be acquired under exceptional circumstances, the area to be acquired cannot exceed aggregate

Topics/Issues/Areas	World Bank OP4.12	RFCTLAR&R 2013
		of land of all projects in district or state. The area to be acquired cannot exceed the total net sown area of the district or state.  Wasteland equivalent to twice the area acquired will be developed.
Information dissemination of preliminary notice	Continuous part of the preparation and participation	<b>Section 11 (1), (2) &amp; (3):</b> Notice published in local language and meetings called of gram sabahs, municipalities to provide full information about the purpose of the project, summary of SIA and particulars of administrator appointed for R&R' summary of R&R scheme
Updating land records	To be part of RAP	<b>Section 11 (5):</b> Once established that the land is required for public purpose, accordingly notice to be issued <b><i>under section 19 following which land records to be updated within two months</i></b>
Census and preparation of R&R schemes	To be part of RAP	<b>Section 16 (1) (2):</b> carry out census of affected people and their assets to be affected, livelihood loss and common property to be affected; R&R scheme including time line for implementation.
Information dissemination and Public hearing - Stage III	Consultation throughout the process is mandatory	<b>Section 16(4)&amp;(5):</b> mandatory to disseminate information on R&R scheme including resettlement area and organize public hearing on the Draft R&R scheme in each Gram Sabha, Municipality and consultations in Scheduled area as required under PESA.
Approval of R&R Scheme		<b>Section 17 &amp; 18:</b> Draft R&R Scheme to be finalized after addressing objections raised during public hearing and approved.
Final declaration of R&R Scheme	Approved RAP including budgetary provisions to implement it	<b>Section 19 (2):</b> Only after the requiring body has deposited the money will the govt. issue the notice along with <b>19(1)</b> .
Time period stipulated.	Included in RAP – Time line synchronized with Government's procedures or adopts innovative methods to reduce the time which is based operated on the principles of participation and transparency.	<b>Section 19 (2):</b> the entire process to update land records, disseminate information, preliminary survey, census, hearing of objections, preparation of R&R schemes and approval, deposit of money must <b><i>complete within 12 months</i></b> from the date on which section 11, the preliminary notice issued.  <b>Section 19 (7):</b> If the final declaration not made within 12 months of section 11 (1), the process will lapse, except under special circumstances.
Preparation of land acquisition plans	Included in RAP.	<b>Section 20:</b> Land marked, measured for preparation of acquisition plans.

Topics/Issues/Areas	World Bank OP4.12	RFCTLAR&R 2013
Hearing of claims		<b>Section 21(1) (2):</b> Notices issued indicating govt's intension to take possession of land, and claims on compensation and R&R can be <b>made not less than one month and not more than six month</b> from the date of issue of section 21(1).
Time period stipulated for declaring the award		<b>Section 25:</b> It is required to announce the award <b>within 12 months of issue of Section 19 (final declaration to acquire land, approved R&amp;R scheme)</b> after completing land acquisition plans, hearing of objection, settling individual claims for declaration of the award. If award not made within the stipulated time, the entire proceedings will lapse.
LA Act 1984 deem to lapse and RFCTLAR&R is applicable		<b>Section 24:</b> where award is not declared under section 11, or where made five years ago but land not taken in possession or where award declared but money not deposited in the account of majority of beneficiary.
Methodology for determining market value for land	Full replacement Cost	<b>Section 26 and First Schedule:</b> Recognizes 3 methods and whichever is higher will be considered which will be multiplied by a factor given in Schedule First; compensation given earlier will not be considered; if rates not available floor price can be set; steps to be taken to update the market value.
Valuation of structures	Full replacement Cost	<b>Section 29 (1)</b> without deducting the depreciated value.
Solatium and interest		<b>Section 30(1)</b> 100% of the compensation amount <b>Section 30(3):</b> 12% per annum on the market rate from the date of notification of SIA to the date of ward or land taken over.
R&R Award	Total cost included in RAP to resettle and rehabilitate the affected persons and assist in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher	<b>Section 31, Second Schedule:</b> A family as a unit will receive R&R grant over and above the compensation and those who are not entitled to compensation.  <b>Second Schedule:</b> Homeless entitled to constructed house, land for land in irrigation projects in lieu of compensation, in case of acquisition for urbanization 20% of developed land reserved for owners at a prices equal to compensation' jobs or onetime payment or annuity for 20 years' subsistence grant,

Topics/Issues/Areas	World Bank OP4.12	RFCTLAR&R 2013
		transportation, land and house registered on joint name husband and wife, etc
Transparency		<b>Section 37(1):</b> Information of each individual family including loss, compensation awarded, etc will be available on the website.
Possession of land	Taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons.	<b>Section 38(1):</b> Land will be taken over by the government within three months of compensation and 6 months of R&R benefits disbursed; infrastructure facilities at resettlement sites will be completed within 18 months from the date of award made under section 30 for compensation; in case of irrigation and hydel projects R&R completed six months prior to submergence.
Multiple displacement		<b>Section 39:</b> Additional compensation equivalent to compensation determined will be paid to displaced
Acquisition for emergency purpose	Not permeable in bank funded projects	<b>Section 40 (5):</b> 75% additional compensation will be paid over and above the compensation amount
Prior consent before acquisition and alienation	Mandatory to carry out Free, Prior, Informed Consultation with Indigenous people.	<b>Section 41(3)</b> Mandatory to get consent from Gram Sabha, Panchayat, Autonomous Councils in Scheduled areas
Development plans for SC and ST	Indigenous Peoples' Development plan required along with RAP.  Land for land for is an option across all sectors.	<b>Section 41:</b> Separate development plans to be prepared, settle land rights before acquisition; provision of for alternate fuel fodder, non-timber produce on forest land to be developed within 5 years; 1/3 <sup>rd</sup> compensation amount to be paid as first instalment and rest at the time of taking possession; ST to be resettled within Scheduled area; land free of cost for community purpose; land alienation will be null and void and ST and SC considered for R&R benefits; fishing rights restored in irrigation and hydle projects; if wish to settle outside the district additional benefits to be provided in monetary terms; all rights enjoyed under other laws will continue.  <b>Second Schedule:</b> additional provisions for SC&ST for land for land in irrigation projects, additional sum over and above the subsistence grant

Topics/Issues/Areas	World Bank OP4.12	RFCTLAR&R 2013
Institutional arrangement	Institutional arrangement must be agreed upon and included in RAP, IPDP.	<b>Section 43-45:</b> Appointment of administrator, R&R Commissioner, when more than 100 acres of land is to be acquired, R&R Committee will be formed at project level, social audit to be carried out by Gram Sabha and Municipalities.
Change of land use		<b>Section 46(4):</b> Land will not be transferred to the requisitioning authority till R&R is not complied with in full
Monitoring and Evaluation	Indicators and monitoring system included in RAP and IPDP	<b>Section 48-50:</b> Set up National and State level Monitoring Committee to review and monitor progress
Authority to settle claims		<b>Section 51-74:</b> the appropriate Government shall through notification establish one or more authorities as the rehabilitation and resettlement authority. Authority will be set up to settle any legal disputes that arise from acquisition and R&R, the aggrieved party can move to the high court thereafter.
Exempt from tax and fee		<b>Section 96:</b> Compensation and agreements will not be liable to tax and stamp duty
No change in status of land acquired		<b>Section 99:</b> Once the land is acquired for a particular purpose, its purpose cannot be changed
Return of unutilized land		<b>Section 101:</b> If the acquired land remains unutilized for 5 years, then it will be returned to original owner, heir or included in land bank
Distribution of increased value of land transferred		<b>Section 102:</b> 40% of appreciated value of acquired land will be distributed to owners provided no development has taken place.

### 3.4 Definitions and Eligibility Criteria for Various Categories of Displaced Persons

The definitions provided below are as per Chapter 1 Section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR).

<b>Administrator</b>	An officer appointed for the purpose of rehabilitation and resettlement of affected families under sub-section 1 of section 43 of the RFCTLARR Act 2013
<b>Affected Area</b>	Such area as may be notified by the Appropriate Government for the purposes of land acquisition
	Includes: A family whose land or other immovable property has been acquired; A family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of

<b>Affected Family</b>	<p>livelihood stand affected by the acquisition of land<sup>7</sup></p> <p>The Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognized under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 due to acquisition of land;</p> <p>Family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land;</p> <p>A member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition;</p> <p>A family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood or three years prior to the acquisition of the land is affected by the acquisition of such land.</p>
<b>Appropriate Government</b>	<p>Means:</p> <p>In relation to acquisition of land situated within the territory of a State, the State Government;</p> <p>In relation to acquisition of land for public purpose in more than one State, the Central Government, in consultation with the concerned State Governments or Union territories;</p> <p>Provided that in respect of a public purpose in a District for an area not exceeding such as may be notified by the Appropriate Government, the Collector of such District shall be deemed to be the Appropriate Government</p>
<b>Collector</b>	<p>Means the Collector of a revenue district, and includes Deputy Commissioner</p> <p>And any officer specially designated by the Appropriate Government to perform the function of a Collector under the RFCTLARRA 2013</p>
<b>Commissioner</b>	<p>Means the Commissioner for Rehabilitation and Resettlement appointed under sub-section (1) of section 44 of the RFCTLARRA 2013</p>
<b>Cost of Acquisition</b>	<p>Includes:</p> <p>Amount of compensation which includes solatium, any enhanced compensation ordered by the Land Acquisition and Rehabilitation and Resettlement Authority or the Court and interest payable thereon and any other amount determined as payable to the affected families by such Authority or Court;</p> <p>Demurrage to be paid for damages caused to the land and standing crops in the process of acquisition</p> <p>Cost of acquisition of land and building for settlement of displaced or adversely affected families;</p> <p>Cost of development of infrastructure and amenities at the resettlement areas;</p> <p>Cost of rehabilitation and resettlement as determined in accordance with the provisions of the RFCTLARR Act 2013</p> <p>Administrative cost for (a) acquisition of land, including both in the project site and out of the project area lands, not exceeding such percentage of the cost of compensation as may be specified by the Appropriate Government; and (b) rehabilitation and resettlement of owners of the land and other affected families whose land has been acquired or proposed to be acquired or other families affected by such acquisition;</p>

	Cost of undertaking Social Impact Assessment Study
<b>Displaced Family</b>	Means any family, who on account of acquisition of land has to be relocated and resettled from an affected area to the resettlement area
<b>Family</b>	Includes a person, his or her spouse, minor children, minor brothers and minor sisters depended on him: provided that widows, divorces and women deserted by families shall be considered separate families
<b>Holding of Land</b>	Means the total land held by a person as an owner, occupant or tenant or Otherwise
<b>Land</b>	Includes benefits to arise out of land, and things attached to the ear or permanently fastened to anything attached to the earth
<b>Landless</b>	Means such persons or class of persons who may be: Considered or specified as such under any State law for the time being in force; or In a case of landless not being specified as above, as may be specified by the Appropriate Government
<b>Land Owner</b>	Includes any person: Whose name is recorded as the owner of the land or building or part thereof, in the records of the authority concerned; or Any person who is granted forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 or under any other law for the time being in force; or Who is entitled to be granted Patta rights on the land under any law of the State including assigned lands; or Any person who has been declared as such by an order of the court or Authority
<b>Marginal Farmer</b>	means a cultivator with an un-irrigated land holding up to one hectare or irrigated land holding up to one-half hectare;
<b>Small Farmer</b>	means a cultivator with an un-irrigated land holding up to two hectares or with an irrigated land holding up to one hectare, but more than the holding of a marginal farmer.
<b>Local Authority</b>	Includes a town planning authority (by whatever name called) set up under any law for the time being in force, a Panchayat as defined in article 243 and a Municipality as defined in article 243P of the Constitution
<b>Market Value</b>	Means the value of land determined in accordance with section 26 of the RFCTLARRA 2013
	Means: All persons claiming an interest in compensation to be made on account of the acquisition of land under the RFCTLARRA 2013 The Scheduled Tribe and other traditional forest dwellers, who have lost any forest

<b>Person Interested</b>	rights recognized under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006; A person interested in an easement affecting the land; Persons having tenancy rights under the relevant State laws including share-croppers by whatever name they may be called; and Any person whose primary source of livelihood is likely to be adversely affected;
<b>Person Interested</b>	Means: All persons claiming an interest in compensation to be made on account of the acquisition of land under the RFCTLARRA 2013 The Scheduled Tribe and other traditional forest dwellers, who have lost any forest rights recognized under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006; A person interested in an easement affecting the land; Persons having tenancy rights under the relevant State laws including share-croppers by whatever name they may be called; and Any person whose primary source of livelihood is likely to be adversely affected;
<b>Resettlement Area</b>	Means an area where the affected families who have been displaced as a result of land acquisition are resettled by the Appropriate Government
<b>Scheduled Areas</b>	Means the Scheduled Areas as defined in section 2 of the Provision of the Panchayats (Extension to the Scheduled Areas) Act, 1996.
<b>Vulnerable Persons</b>	Persons who are physically challenged, widows, persons above sixty years of age, below-poverty line households and woman-headed household.

### 3.5 Entitlement Matrix

Based on the above analysis of government provisions and WB safeguards policy, the following resettlement principles are adopted for this Project:

- (i) those who have formal legal rights to land lost in its entirety or in part;
- (ii) those who lost the land they occupy in its entirety or in part and have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national/state laws; and
- (iii) those who lost the land they occupy in its entirety or in part and have neither formal legal rights nor recognized or recognizable claims to such land.

**Cut-off Date:** For titleholders, the date of SIA notification [Sec 4(2)] of intended acquisition as per the provisions of RFCTLARR Act will be treated as the cut-off date, and for non-titleholders the start date of project census survey for the subproject will be the cut-off date. There will be adequate notification of cut-off date and measures will be taken to prevent encroachments/squatting after the cut-off date is established.

Non-title holders who settle in the affected areas after the cut-off date will not be eligible for compensation. They however will be given sufficient advance notice (60 days) to vacate the premises and dismantle affected structures prior to project implementation. The project will recognize both licensed and non-licensed vendors, and titled and non-titled households.

The displaced persons will be entitled to the following six types of compensation and assistance



packages:

- (i) Compensation for the loss of land, crops/ trees at their replacement cost;
- (ii) Compensation for structures (residential/ commercial) and other immovable assets at their replacement cost;
- (iii) Assistance in lieu of the loss of business/ wage income and income restoration assistance;
- (iv) Alternate housing or cash in lieu of house to physically displace households not having any house site;
- (v) Assistance for shifting and provision for the relocation site (if required), and
- (vi) Rebuilding and/ or restoration of community resources/facilities.

An Entitlement Matrix has been developed, that summarizes the types of losses and the corresponding nature and scope of entitlements; and is in compliance with National/State Laws and World Bank safeguards policies. The following entitlement matrix presents the entitlements corresponding to the tenure of the displaced persons and the same has been approved<sup>1</sup> and endorsed by Government of Rajasthan.

**Entitlement Matrix**

Sl. No.	Impact Category		Entitlements	Implementation Guidelines
<b>PART I. TITLE HOLDERS - Compensation for Loss of Private Property</b>				
1	Loss of Land (agricultural, homestead, commercial or otherwise)	1.1	Compensation for land at Replacement Cost or Land for land, where feasible.	<p>Land will be acquired by the competent authority in accordance with the provisions of RFCTLARR Act, 2013.</p> <p>Replacement cost for land will be, higher of (i) market value as per Indian Stamp Act, 1899 for the registration of sale deed or agreements to sell, in the area where land is situated; or (ii) average sale price for similar type of land, situated in the nearest village or nearest vicinity area, ascertained from the highest 50% of sale deeds of the preceding 3 years; or (iii) consented amount paid for PPPs or private companies.</p> <p>Plus 100% solatium and 12% interest from date of notification to award.</p> <p>The multiplier factor adopted by GoR for land in rural area, based on the</p>

<sup>1</sup>GO No. F7 (143) SHA/PPP/2015/D-1262 of Public Works Department, Government of Rajasthan dated 17.11.2015

Sl. No.	Impact Category	Entitlements		Implementation Guidelines
				<p>distance from urban area to the affected area, will be applied.</p> <p>In case of severance of land, house, manufactory or other building, as per Section 94 (1), the whole land and/or structure shall be acquired, if the owner so desires.</p>
2	Loss of Structure (house, shop, building or immovable property or assets attached to the land)	2.1	Compensation at replacement cost	<p>The market value of structures and other immovable properties will be determined by PWD on the basis of relevant PWD Schedule of Rates (SR) as on date without depreciation.</p> <p>Plus 100% solatium</p> <p>For partly affected structures, the PAP will have the option of claiming compensation for the entire structure, if the remaining portion is unviable.</p>
<b>PART II. REHABILITATION AND RESETTLEMENT – Both Land Owners and Families Whose livelihoods are Primarily Dependent on Land Acquired</b>				
3	Loss of Land	3.1	<p>Employment to at least one member per affected family in the project or arrange for a job in such other project as may be required after providing suitable training and skill development in the required field and at a rate not lower than the minimum wages provided for in any other law for the time being in force.</p> <p>or</p> <p>One-time payment of Rs. 5,00,000/- for each affected household</p> <p>or</p>	

Sl. No.	Impact Category	Entitlements	Implementation Guidelines
			Annuity policy that shall pay Rs. 2000/- per month for 20 years with appropriate indexation to CPIAL
		3.2	subsistence allowance of Rs. 3,000/- per month for a period of one year to affected households who require to relocate due to the project
		3.3	Transportation assistance of Rs. 50,000/- for affected households who require to relocate due to the project
		3.4	One-time assistance of Rs. 25,000/- to all those who lose a cattle shed
		3.5	One-time Resettlement Allowance of Rs. 50,000/- for affected household who have to relocate
		3.6	Additional one-time assistance of Rs. 50,000/- for scheduled caste and scheduled tribe families who are displaced from scheduled areas and who require to relocate due to the project
4	Loss of Residence	4.1	<p>An alternative house for those who have to relocate, as per IAY specifications in rural areas and a constructed house/flat of minimum 50 sq. m. in urban areas or cash in lieu of house if opted (the cash in lieu of house will be Rs.70,000/- in line with GoI IAY standards in rural areas and Rs.1,50,000 in case</p> <p>An alternative house for those who have to relocate, as per IAY specifications in rural areas and a constructed house / flat of minimum 50 sq. m. in urban areas or cash in lieu of house if opted (the cash in lieu of house will be Rs.1,48,000/- in line with GoI IAY standards in rural areas and Rs.1,50,000 in case of urban areas).</p> <p>The benefits listed above shall also be extended to any affected family</p>

Sl. No.	Impact Category	Entitlements	Implementation Guidelines
		of urban areas), for those who do not have any homestead land and who have been residing in the affected area continuously for a minimum period of 3-years.	which is without homestead land and which has been residing in the area continuously for a period of not less than three years preceding the date of notification of the affected area and which has been involuntarily displaces from such area.
	4.2	<p>Employment to at least one member per affected family in the project or arrange for a job in such other project as may be required after providing suitable training and skill development in the required field and at a rate not lower than the minimum wages provided for in any other law for the time being in force.</p> <p>or</p> <p>One-time payment of Rs. 5,00,000/- for each affected household</p> <p>or</p> <p>Annuity policy that shall pay Rs. 2000/- per month for 20 years with appropriate indexation to CPIAL</p>	
	4.3	Monthly subsistence allowance of Rs. 3,000/- per month for a period of one year to affected households who require to relocate due to the project	
	4.4	Transportation assistance of Rs. 50,000/- for affected households who	

Sl. No.	Impact Category	Entitlements		Implementation Guidelines
			require to relocate due to the project	
		4.5	One-time assistance of Rs. 25,000/- to all those who lose a cattle shed	
		4.6	One time assistance of Rs. 25,000/- for each affected family of an artisan or self-employed and who has to relocate	
		4.7	One-time Resettlement Allowance of Rs. 50,000/- for affected household who have to relocate	
		4.8	Additional one-time assistance of Rs. 50,000/- to scheduled caste and scheduled tribe families who are displaced from scheduled areas and who require to relocate due to the project	
		4.9	Right to salvage affected materials	
5	Loss of shop / trade / commercial structure	5.1	<p>Employment to at least one member per affected family in the project or arrange for a job in such other project as may be required after providing suitable training and skill development in the required field and at a rate not lower than the minimum wages provided for in any other law for the time being in force.</p> <p>or</p> <p>One-time payment of Rs.5,00,000/- for each affected household</p>	

Sl. No.	Impact Category	Entitlements		Implementation Guidelines
			or Annuity policy that shall pay Rs. 2000/- per month for 20 years with appropriate indexation to CPIAL	
		5.2	Monthly subsistence allowance of Rs. 3,000/- per month for a period of one year to affected households who require to relocate due to the project	
		5.3	Transportation assistance of Rs. 50,000/-for affected households who require to relocate due to the project	
		5.4	One time assistance of Rs. 25,000/- for each affected family of an artisan or self-employed or small trader and who has to relocate	
		5.5	One time Resettlement Allowance of Rs.50,000/- for affected household who have to relocate	
		5.6	Additional onetime assistance of Rs.50,000/- to scheduled caste and scheduled tribe families who are displaced from scheduled areas and who require to relocate due to the project	
		5.7	Right to salvage affected materials	
<b>PART III. IMPACT TO SQUATTERS AND ENCROACHERS – Those in the Right of Way where no Land Acquisition is done</b>				
6	Impact to Squatters	6.1 6.1.1	<b>Loss of House</b> Compensation at scheduled rates without	Only those directly affected squatters who live there will be eligible for all assistance.

Sl. No.	Impact Category	Entitlements	Implementation Guidelines
		depreciation for structure with 1-month notice to demolish the affected structure	Structure owners in RoW / Government lands who do not live there and have rented out the structure will be provided compensation for structure and no other assistance will be provided to them. The occupier (squatter-tenant) will be eligible for other assistances
	6.1.2	Right to salvage the affected materials	
	6.1.3	House construction grant of Rs.70, 000/- for all those who have to relocate and who do not have a house.  Additional house site grant of Rs.50,000/- to those who do not have a house site	
	6.1.4	One time subsistence allowance of Rs. 18,000/-	
	6.1.5	Shifting assistance of Rs.10,000/-	
		<b>6.2 Loss of Shop</b>	Only those directly affected squatters who do business there will be eligible for all assistance.  Structure owners in ROW / Government who do not do the business and have rented out the structure will be provided compensation for structure and no other assistance will be provided to them. The occupier (squatter-tenant) will be eligible for other assistances
	6.2.1	Compensation at scheduled rates without depreciation for structure with 1-month notice to demolish affected structure	
	6.2.2	Right to salvage the affected materials	
	6.2.3	One time rehabilitation grant of RS.20,000 for reconstruction of affected shop	
	6.2.4	One time subsistence allowance of Rs. 18,000/-	
		6.2.5	Shifting assistance of Rs.10,000/-
		<b>6.3 Kiosks / Street Vendors</b>	The PIU and the implementation support NGO / agency will consult such PAPs and assess the requirement of subsistence allowance and rehabilitation grant
	6.3.1	1-month advance notice to relocate to nearby place for continuance of economic activity	
		6.3.2	For temporary loss of livelihood during

Sl. No.	Impact Category	Entitlements		Implementation Guidelines
			construction period, a monthly subsistence allowance of Rs. 3,000/- will be paid for the duration of disruption to livelihood, but not exceeding 3-months	
		6.3.3	If relocation to nearby place and continuance of economic activity in the same place is not possible, then one time rehabilitation grant of Rs.18 000/-	
		6.4 6.4.1	<b>Cultivation</b> 2-month notice to harvest standing crops or market value of compensation for standing crops	
7	Impact to Encroachers	7.1 7.1.1	<b>Cultivation</b> 2-month notice to harvest standing crops or market value of compensation for standing crops, if notice is not given	Market value for the loss of standing crops will be decided by the PIU, PWD in consultation with the Agriculture or Horticulture Department
		7.2 7.2.1	<b>Structure</b> 1-month notice to demolish the encroached structure	
		7.2.2	Compensation at scheduled rates without depreciation for the affected portion of the structure	The value of commercial structures and other immovable properties will be determined by PWD on the basis of relevant Schedule of Rates (SR) as on date without depreciation
<b>PART IV. IMPACT TO VULNERABLE HOUSEHOLDS</b>				
8	Vulnerable Households	8.1	One-time assistance of Rs. 25,000/- to DHs who have to relocate	One adult member of the affected household, whose livelihood is affected, will be entitled for skill development.  The PIU with support from the NGO will identify the number of eligible vulnerable displaced persons during joint verification and updating of the <b>RAP</b> and will conduct



Sl. No.	Impact Category	Entitlements		Implementation Guidelines
				<p>training need assessment in consultations with the PAPs so as to develop appropriate training programmes suitable to the PAP's skill and the region.</p> <p>Suitable trainers or local resources will be identified by PIU and NGO In consultation with local training institutes</p>
<b>PART V. IMPACT DURING CIVIL WORKS</b>				
9	Impact to structure / assets / tree / crops	9.1	The contractor is liable to pay damages to assets / trees / crops in private / public land, caused due to civil works	The PIU will ensure compliance
10	Use of Private Land	10.1	The contractor should obtain prior written consent from the land owner and pay mutually agreed rental for use of private land for storage of material or movement of vehicles and machinery or diversion of traffic during civil works	
<b>PART VI. COMMON PROPERTY RESOURCES</b>				
11	Impact to common property resources such as places of worship, community buildings, schools, etc.	11.1	Relocation or restoration, if feasible, or cash compensation at replacement cost.	
12	Utilities such as water supply, electricity, etc.	12.1	Will be relocated and services restored prior to commencement of civil works.	The PIU will ensure that utilities are relocated prior to commencement of civil works in that stretch of the road corridor in accordance with the civil works schedule.
<b>PART VII. UNFORESEEN IMPACTS</b>				
Unforeseen impacts encountered during implementation will be addressed in accordance with the principles of RFCTLAR 2013 / World Bank Safeguards Policies.				

### 3.6 Framework for Land Acquisition and Other Immovable Assets (RFCTLARR 2013 and Direct Purchase)

The rehabilitation and resettlement policy is based on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The Government of Rajasthan has also enacted state-specific rules pursuant to the same i.e. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2016.

### **3.6.1 Acquisition of private land through Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013**

All private immovable assets will be acquired as per new RFCTLARR Act 2013. All eligible PAPs living within the affected area for the past 3 years will be entitled to R&R assistance over and above the compensation. Those PAPs who are not entitled for compensation (encroachers and squatters) as per the Act will get R&R benefits as per their entitlement given in project specific R&R policy. The entitlement of compensation and assistance will be extended to only those PAPs who are identified on or prior to the cut-off date.

#### **- Requisition of Land by PWD**

The proposal for acquisition of any private land will be made in the formats prescribed by the enacted rules of the Rajasthan State Government on the RFCTLARR ACT 2013. These formats will include  *khasra*  maps, along with the details of area of land to be acquired.

#### **- Appointment of “Administrator” for R&R**

As per Section 2 of the RFCTLARR Act 2013, the appropriate government (concerned state governments) will acquire land on behalf of other ‘requiring body’. An officer appointed as the administrator will be responsible for the purpose of Rehabilitation and Resettlement as per Section 43 of the RFCTLARR Act 2013. An officer not below the rank of Collector, additional Collector or Deputy Collector or any other officer of an equivalent rank is appointed as the ‘Administrator’.

#### **- Notification, Declaration and Preparation of Award**

Upon receiving the requisition application, the concerned State Government will conduct a Social Impact Assessment as per Chapter 2 of the RFCTLARR Act 2013 unless exempted as per procedures established in the state rules for RFCTLARR 2013. Upon completion of the assessment the ‘Administrator’ appointed by the concerned government shall issue preliminary notifications (as per Section 11 (1)), declarations (as per Section 19 (1) for the land to be acquired. A demand is prepared by the District Administration as per rules framed by the concerned state government under the Sections 26,27,28,29,30 of the RFCTLARR Act 2013. The R&R award list and scheme is prepared on the basis of the census and survey undertaken by the District Administration and after valuation of the assets affected is completed. The R&R scheme and award is forwarded to the R&R commissioner appointed for the state. If the State Government is satisfied with the Scheme, the District Administration may issue declaration as per Section 19 (1). The requiring body deposits the (full or part) amount prior to the declaration to enable the concerned State Government to make the declaration.

#### **- Method of Valuation of Project Affected Areas**

The valuation method and basis for the compensation for LA will be done as per the norms stipulated in

Sections 26, 27, 28, 29, 30 and First Schedule of the RFCTLARR Act 2013. The *Valuation method for compensation for land and structures and trees is given below:*

- **Valuation of Land** – Land will be acquired in accordance with provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and while determining the compensation for land, the competent authority will be guided by the provisions of Sec 26, Sec 27, Sec 28, Sec 29 and Sec 30 of RFCTLARR Act, 2013. The compensation includes the multiplying factor<sup>2</sup> of 1.25-1.75 times on the land value being higher of the guideline value or average of higher 50% of sale deed rates for last 3 years or any rates consented for PPP or private projects. In addition 100% solatium for involuntary acquisition of land will be added. If the residual land, remaining after acquisition, is unviable, the owner of such land/property will have the right to seek acquisition of his entire contiguous holding/property.
- **Valuation of Structure** - The replacement value of houses, buildings and other immovable properties will be determined on the basis of latest PWD Schedule of Rates (SoR) as on date without depreciation and 100% solatium will be added to the structure compensation. While considering the PWD SoR rate, PIU will ensure that it uses the latest SoR for the residential and commercial structures in the urban and rural areas of the region. Wherever the SoR for current financial year is not available, the PIU will update the SoR to current prices based on approved previous year escalations. Compensation for properties belonging to the community or common places of worship will be provided to enable construction of the same at new places through the local self- governing bodies like Village Panchayat/Village council in accordance with the modalities determined by such bodies to ensure correct use of the amount of compensation. Further, all compensation and assistance will be paid to PAPs at least 1 month prior to displacement or dispossession of assets.
- **Valuation of trees**  
Compensation for trees will be based on their market value. Loss of timber bearing trees will be compensated at their replacement cost and compensation for the loss of crops, fruit bearing trees will be decided by the PIU in consultation with the Departments of Forest or Agriculture or Horticulture as the case may be. The valuation of fruit bearing trees will take into account the productive age of such trees. In line with the provision of RFCTLARR Act 2013, 100% solatium will be added to the assessed value of the trees. Prior to taking possession of the land or properties, the compensation will be fully paid and PAPs will have the opportunity to harvest crops/trees within 1-month from the date of payment of compensation.

Even after payment of compensation, PAPs would be allowed to take away the materials salvaged from their dismantled houses and shops and no charges will be levied upon them for the same. A notice to that effect will be issued intimating that PAPs can take away the materials so salvaged within 15 days of their demolition; otherwise, the same will be disposed by the project authority without giving any further notice. Trees standing on the land owned by the government will be disposed of through prevailing practice by the concerned Revenue Department/ Forest Department.

- **Disbursement process**

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Once, the R&R scheme is approved by the appropriate government, the District Administration issues notices to titleholders losing land, trees and structures through camps in the affected area. The disbursement of assistances and compensation may happen in camps or at the District Administration's office, where in documentation of the PAHs is examined and assistances and compensation is deposited as cheques or deposited in individual accounts. The collector shall take possession of the land once all monetary disbursements are fully completed and the collector will be responsible for ensuring that the rehabilitation and resettlement process is complete before the displacement of the population as per Section 37 of the RFCTLARR Act 2013.

### **3.6.2 Direct Purchase of land**

Under Section 108 of the Act, the Government of Rajasthan has also issued the Government Order F.-1927)Rev.-6/2016 dated April 26, 2016. This provides for the option of Direct Purchase The details are given below:

In order to speed up and simplify the procedures of land acquisition for public purpose, Government of Rajasthan has passed Government Order (GO) number (27)/ Rev.-6/2016 dated 26 April, 2016 for land acquisition for public purpose. Under this order, to negotiation with the land owners and reach consensus on compensation and rehabilitation by the District Collector. This is applicable only for Land Acquisition in Rajasthan for RSHIMP.

In case the option of direct purchase is exercised, following steps will be followed:

- Project to identify land parcels to be purchased and owners during SIA in consultation with the local revenue officials.
- A committee (The District Level Fair Compensation, Resettlement and Rehabilitation Committee) will be set up as per the existing Government Order(GO) number (27)/ Rev.-6/2016 dated 26 April, 2016 for direct purchase. (Applicable to Rajasthan only).
- The District Collector will verify the title deeds, non-encumbrance certificate, basic tax receipt, building tax receipt, possession certificate and other relevant records of each parcel of land to be acquired.
- The District Collector will, within 7 days of the preliminary notification under section) 11, send the 'SIA Report and other relevant documents to the District Level Fair Compensation, Resettlement and Rehabilitation Committee.
- The committee shall fix the parameters and shall define criteria for categorization of land as per the local needs to' fix land value and the same may be approved by the Committee. The Committee should take utmost care in determining the criteria for categorization. There should not be any ambiguity regarding classification. The authority to change the categorization once approved by the District Level Fair Compensation, Resettlement and Rehabilitation Committee shall rest only with the SLEC.
- After categorization of lands, the base price of land will be as per the process mentioned in RFCTLARR Act, 2013 and taking into consideration the existing market value of the land make negotiation with the land owners and reach consensus with them on the final land value.
- The Committee will finalize the estimate of a fair and reasonable price of land and compensation along with the Rehabilitation and Resettlement package to be given to the affected person/family.
- SLEC may consider it on case to case basis.
- If the District Level Committee is of the view that higher compensation is inevitable in view of the requirement of the project for speedy development of Highways, then the Committee headed by the

District Collector may recommend up to 10 per cent enhanced compensation to State Level Empowered Committee headed by the Chief Secretary.

- The SLEC may consider it on case to case basis.
- On the date fixed as above the Collector shall explain the Policy to the affected family or affected person and give them estimate of the compensation and resettlement and rehabilitation package worked out under the policy.
- The affected family or affected persons shall thereupon submit their consent to having their claims settled according to such law or policy of the State instead of setting the same under the Act. Provided that the affected' families or affected persons who earlier rejected the negotiated settlement may, by a written application to the Collector shall choose the option of the State policy at any time before passing the final award under Section 30 and/or section 31.
- Upon receiving the consent of the affected person or affected family, the Collector shall finalize the conveyance of land in terms of the consent.
- The Collector, upon receiving the consent, shall cause a Sale Deed in terms of the settlement arrived between himself and the affected family or affected person.
- The compensation or package received by the affected family or affected person shall not be income tax or any other levy.
- On completion of the conveyance the Collector shall take possession of the land immediately provided that the Collector may, on a written application by the affected family or affected person, accord sanction for extension of asking of possession of the land by a period not exceeding 30 days.

## 4 LIVELIHOOD RESTORATION AND INCOME GENERATION PLAN

### 4.1 Introduction

Development project may have an adverse impact on the income of project-affected persons. The basic postulates of all developmental activities should be that no one is worse off than before the project. Restoration of pre-project levels of income is an important part of rehabilitating socioeconomic and cultural systems in affected communities. To achieve this goal, preparation of Income Restoration programs should be done in consultation with the affected persons and they should explicitly approve the program.

### 4.2 Income Restoration Options Preferred by PAHs

During the survey PAPs were specifically asked about their preference for rehabilitation in case they are affected / displaced by the proposed project. Most of the affected PAPs opted for cash grant. However, educated PAPs demanded permanent employment either with PWD or contractors. Training for skill upgradation or activities allied had very few takers. In this category PAHs preferred the option of the assistance/ loan from other ongoing development scheme in top. Details are mentioned below in table 11.1.

**Table 4.1: Income Restoration Options as Preferred by PAHs**

Preferred Option	Income Restoration Assistance
1	Assistance/Loan from other ongoing development scheme
2	Employment Opportunities in Construction Work
3	Vocational Training

### 4.3 Training Needs Assessment

For income restoration it is important that available skills with the PAPs is identified and further upgraded. The NGO which would implement the Resettlement Action Plan, will have to firstly conduct an assessment of the training needs. This would include a survey among the PAPs with options of various skills related to the resource base of the area and available replacement (with proper forward and backward linkages) and accordingly select trades for training. Based on the training, NGO will identify income-generating activities for sustainable economic opportunities. This would include establishing forward and backward linkages for marketing and credit facility. NGOs in consultation with the PAPs, R&R Coordinator of PWD, district administration and other stakeholders in institutional financing and marketing federations will prepare micro-plans for IR activities and would be in-charge of implementing the same.

### 4.4 Inter-Agency Linkages for Income Restoration

Majority of the eligible families for income restoration earn their livelihood through petty businesses or cultivation (primarily small and marginal), and therefore, it is imperative to ensure that the PAPs are able to reconstruct their livelihood. The NGOs engaged in the implementation of the RAP will ensure that the PAPs are facilitated to obtain plots near their existing habitation to minimize disruption to their social network and normal work pattern.

In case of upgrading agriculture productivity, the training on technical know-how will be arranged as per the choices of the target group population. In case of creation of alternative livelihood schemes, felt needs of the target group population will be prioritized through people's participation. Further, these options will be tested for their viability against availability of skills, resource base of the area and available appropriate technology.

Suitable alternative livelihood schemes will be chosen finally, where training on skill up-gradation, capital assistance, and assistance in the form of backward-forward linkages can be provided for making these pursuits sustainable for the beneficiaries or the target groups.

A comprehensive support system to the PAPs will ensure income security. The system will include establishing training need; identification of skills; hiring training staff; providing training to interested PAPs; ensuring that PAPs take up their new vocation; mid-term evaluation and corrective measures if required; and concurrent monitoring. The R&R coordinator of the project through the contracted NGO will ensure that these steps are followed. The results of concurrent monitoring and mid-term evaluation will be shared with the NGO to bring in corrective measures.

The PAPs are required to participate in developing feasible long- term income generating schemes. The long- term options are expected to be developed during the implementation of the RAP and also supported by the government assistance. Government of India along with the state governments runs various poverty alleviation programs. One such scheme is Mahatma Gandhi National Rural Employment Guarantee Act. The objective is to generate additional gainful employment for the unemployed population in rural areas especially during lean agriculture season. The Act provides for 100 days of employment to husband and wife in a year. The person can demand job under MNREGA from village head and in case job is not available, panchayat will pay a day's wage to the person. This scheme can be dovetailed especially for those who are losing source of income as temporary income restoration measure. Participation of PAPs in those schemes will be helpful for short- term IR gains. Partnering NGO can facilitate PAPs to participate in poverty alleviation programs.

#### 4.5 Steps in Income Restoration (IR)

##### **Information on Economic Activities of PAPs**

Basic information on IR activities of PAPs will be available from the census and socioeconomic surveys. Information from base line surveys will be available on features of economic activities of PAPs under two categories, viz.

- Land based economic activities
- Non-land economic activities

Based on this information IR activities can be planned. IR activities are of two types:

- Short term; and
- Long term.

The ensuing section describes both IR schemes.

### **Short Term IR activities**

Short term IR activities mean restoring PAPs income during periods immediately before and after relocation. Such activities will focus on the following:

- Ensuring that adequate compensation is paid before relocation
- Relocation and transit allowances
- Providing short term, welfare based grants and allowances such as:
- One time relocation allowance
- Free transport to resettlement areas or assistance for transport
- Transitional allowances or grants until adequate income is generated, special allowances for vulnerable groups
- With consideration of PAPs skills and needs, promoting PAP access to project related employment opportunities such as:
  - a Work under the main investment project
  - b Work on relocation teams (e.g., driver, food provision, etc.)
  - c Work on resettlement sites, if any (e.g. construction on, transport, maintenance, etc.

### **Long Term IR Activities**

PAPs should participate in developing a range of feasible long-term IR options. Long-term options are affected by the scale of resettlement which may affect the feasibility of various non-land based and land based IR options. The long-term options are government financed, therefore no separate budget is required. However, in R&R budget provision has been made for the expenses to be incurred towards the coordination between project and concerned departments for dovetailing of poverty alleviation schemes. The project officials will coordinate with government (district administration), including tribal development and social welfare departments, to assure PAPs access to all schemes for improving IR services. Project financed programs should include a specific time frame for handing over the project to local administration at the end of a stipulated period. Availability and access to existing programs should be sought for all PAPs.

Long Term IR activities will be generated once the census surveys and consultation get over. IR activities will be generated in consultation with the community. Mechanism to dovetail existing government poverty alleviation programs will be developed in consultation with the community and officials of district administration and District Rural Development Agency (DRDA).

## **4.6 Categories of Impacts**

Project induced displacement may lead to loss or diminished income for Project Affected Person (PAPs). The main categories of impacts are as follows:

- Loss of agriculture land in part or full
- Loss of commercial establishments (permanent)
- Loss of temporary commercial structure or mobile vendor (Squatters)
- Loss of livelihood (Commercial tenants or helping hands, agriculture labours)



Projects like road development involve acquiring linear strips of land; as such the impacts are not expected to be significant. However, mitigation measures need to be planned and implemented however insignificant the impacts may be.

The best way to tackle loss of farm land in part or full is to help the concerned PAP to buy equivalent farmland in a nearby area using the land compensation received. Land for land has been found to be the best sustainable option for Income Restoration. This option can only be exercised when a PAP has lost a significant amount of land; it would be impossible and inadvisable to replace small strips of land. The compensation received can be deposited in blocked bank accounts. The interest accruing will supplement their income from other sources.

The money can only be released for buying replacement land. It is important to see that the compensation money is not frittered away for consumption expenditure or paying off loans especially for the vulnerable sections of PAPs – the more well off can be exempted from this provision and directly paid in cash. The land compensation will be paid at replacement value and will be sufficient for buying replacement land.

**Loss of Permanent Commercial Structure** is a more complicated problem since the complementary issue of retaining the present customer base is to be simultaneously tackled. There is also the problem of tenants and owners with a majority of structures being occupied by tenants. Though the ideal mitigation would involve re-constructing the commercial structures in an adjacent area so that the present customer base is retained; it will not be possible in the current scenario as majority of the displaced commercial structures asked for self-relocation with the guidance and support of the PWD. Regarding ownership, the status quo can be maintained i.e. ownership remains with the owner while the tenant occupies it. As in the previous case, the compensation money can be deposited in blocked bank accounts to be released only for constructing or buying the replacement structure. Since the construction involves different activities, the money can be released in four instalments, coinciding with pre-determined stages in the construction activity.

**Loss of commercial space** (for temporary structures and mobile vendors) should be given utmost importance since this involves vulnerable sections of the PAPs. Ideally, they need to be given alternative space in an adjacent area for carrying on their trade or vocation. However, during the socio-economic survey, majority of the vendors asked for self-relocation. The temporary structure will be shifted out of corridor of impact and the mobile vendor can get stationed there. As per the project's R&R policy, all squatters are entitled for cash assistance for their structures at replacement costs which will be determined as mentioned in section 29 of the RFCTLARR Act 2013. Squatters are also eligible for one time grant of Rs 36000 as subsistence allowance. In order to enable them to move out of COI, they will be given shifting allowance of Rs 50,000 per family as one time grant for a permanent structure and Rs. 30,000 for a semi permanent structure and Rs. 10,000 for a temporary structure. Each affected person who is a rural artisan, small trader or self- employed person will be entitled for RS. 25000 as one time grant for construction of working shed or shop. The Kiosk owners who can easily move their structures out of COI are entitled for Rs. 5000 as disruption allowance as one time grant. During the census survey, 77% asked for cash grant so that they can self-relocate.

While mitigation measures for specific impacts are discussed above, there is also the general impact of a disturbance upon displacement in the life and livelihood of PAPs. They need to be compensated through payment of a Subsistence Allowance. The income restoration cannot be fully achieved by using

the compensation amount; there can be a provision of rehabilitation grant at least for the vulnerable sections of PAPs to enable them reach or improve upon their former standard of living. The Policy document also highlights this issue by acknowledging that the PAPs should be assisted in improving or at minimum regaining their former status of living at no cost to themselves.

#### **4.7 Alternative Individual Income Restoration Scheme**

##### **Basis for Identification of Alternative IR Scheme**

Keeping in view the resource base of the entitled persons (Eps) and also the socioeconomic characteristics and preferences, PWD and the NGO contracted for the implementation will have to chalk out individual IR schemes. This is an ongoing activity that needs to be completed by NGO. The terms of reference of NGO details out the activities to be carried out to complete the task. The important factors that need to be considered for identification of alternative IR schemes are:

- Education level of PAPs
- Skill possession
- Likely economic activities in the post displacement period
- Extent of land left
- Extent of land purchased
- Suitability of economic activity to supplement the income
- Market potential and marketing facilities

“The best option is to allow the EP to continue its former occupation”. However, during any development program, occupations always change.

#### **4.8 Monitoring of IR Schemes**

The monitoring of IR schemes will be carried out along with the monitoring of other components of RAP by an outside agency contracted for the purpose. The contract will specifically provide for regular (every six months) monitoring of income restoration of PAPs. The monitoring will be carried out based on economic indicators. The first monitoring visit should be after the first month then every 6 months. This will help to identify and possibly reduce PAPs who receive cash compensation from spending resources immediately.

Vulnerable PAPs who lose their livelihood due to the project will be assisted in alternative economic rehabilitation schemes and vocational training for skill upgradation as per the requirement of suggested economic scheme. Special emphasis will be laid on both economic and socially vulnerable PAPs such as those who are below poverty line; belong to scheduled caste community; and women headed households.

#### **4.9 Income Generation Plan**

Any relocation of habitation due to land acquisition laid an adverse impact not only on the livelihood of the affected families but also on their socio-economic and cultural status. Moreover, when acquisition is done by the government, regardless to its long term benefits, the affected community need to be provided safeguards and basket of opportunity not only to restore their livelihoods but exposure towards

improved socio-economic opportunities. In the case of proposed land acquisition for up grading and widening the Project as per the Act, appropriate NGO/Agency will be hired to chalk out a complete plan based on the needs of the affected families for developing the need based livelihood restoration and income generation plan. Following are some of the suggested points provided by the SIA Team for livelihood restoration and income generation plan for the affected families

1. **Agro Based Income Generation Plan:** since, majority of the affected households are engaged in agriculture based livelihood activities, efforts are to be made to build the capacities of the farmers (male and female both) for improved techno-based agriculture and irrigation techniques. Various cash crops and non-tradition farming i.e. Olive, Jojoba, Organic fruits and crops, vegetables, horticulture, sericulture, and floriculture should be promoted by providing effective training, land testing, seed, organic pests and market support to the interested households. Better irrigation techniques i.e. drip and sprinkler etc. should be promoted and made available for use.

2. **Animal Husbandry based Income Generation Plan:** Many of the households, traditionally, are involved in animal husbandry. For a few of them, it is main source of income, for many it is just a support activity while remaining do it just to carry forward the tradition. Introducing 'improved dairy based opportunity' would be a most feasible option for these households. Besides, poultry, emu, goat and pig farming, Bee Keeping etc. are the bright options for the interested households.

3. **Skill Development for Income Generation:** National and State skill development corporations have basket of services for those who are interested in enhancing their income and life style by learning and adopting some skills for income generation uunder this scheme of government, tradition-based activities i.e. tailoring, carpentry, welding, fabrication, embroidery etc. and education based activities i.e. computers learning and repair, mobile repair, automobile repair, motor bidding, tourist based activities etc. are available. The affected households should be exposed towards such effective schemes for living better and quality life.

For introducing such income generation activities, a fresh rapid assessment exercise should be carried out once the land acquisition will be completed in order to identify serious and interested candidates. Experienced NGOs should be roped in for initiating such income generation activities.

## 5 PUBLIC CONSULTATIONS AND DISCLOSURE

In order to engage with the community and enhance public understanding on the project and address the issues pertaining to resettlement, various sections of PAPs and other stakeholders will be consulted through focus group discussions (FGD), meetings and individual interviews during the DPR and RAP preparation of subprojects. The opinions of the stakeholders and their perceptions will be obtained during these consultations. This approach adopted towards the formulation of the framework would be continued during the program implementation.

### 5.1 Meaningful Consultation and Participation of key stakeholders

Meaningful consultations will be undertaken with the PAPs, their host communities and civil society for every project identified as having involuntary resettlement impacts. Meaningful consultation will be carried out throughout the implementation of the resettlement action plan. The consultation process established for the program will employ a range of formal and informal consultative methods. Different techniques of consultation with stakeholders are proposed during project preparation, such as in-depth interviews, public meetings, and group discussions.

The Implementing Agency will ensure that views of the PAPs, particularly those vulnerable, related to the resettlement process are looked into and addressed. The PIU will ensure that groups and individuals consulted are informed about the outcome of the decision-making process, and confirm how their views were incorporated. Particular attention will be paid to the need of the disadvantaged or vulnerable groups, including those below poverty line, the landless, the elderly, female-headed households, women and children, Indigenous People/ Scheduled tribes, and those without legal title to land. Separate meetings for women may be held to obtain their views. The key informants to be consulted, during the project preparation phase and during the RAP implementation, shall include the following stakeholders:

- Heads and members of project affected households
- Project Affected Households belonging to the vulnerable groups
- Host communities
- Women in the displaced as well as host communities
- Local voluntary organizations and NGOs, and
- Government agencies and departments.

The RAP will be prepared and implemented in close consultation with the key stakeholders. Women's participation will be ensured by involving them in public consultation at various level and stages of project preparation and by arrangements, which would enhance their ability to attend such meetings.

### 5.2 Information Dissemination and Resettlement Action Plan Disclosure

The RAP will be disclosed by the PMU upon receiving approval from GoR and uploaded in the PWD website along with the gist of the RAP translated in local language. The translated gist of the RAP would provide details of the project, magnitude of impact to land and assets, eligibility and entitlement, institutional arrangement and grievance redressal process. Hardcopies of the gist of the RAP in local language will be made available at the office of the PMU, PIUs and distributed to the PAPs.

Information will be disseminated to PAPs at various stages. Information including magnitude of loss,

detailed asset valuations, entitlements and special provisions, grievance procedures, timing of payments, displacement schedule, civil works schedule will be disclosed by the PIU with assistance from the NGO hired for assisting in RAP implementation. This will be done through public consultation and made available to PAPs as brochures, leaflets, or booklets, in Hindi. The Hindi version of executive summary of RAP along with Entitlement Matrix and structure and process of GRC will also be disclosed.

Summary of each RAP will be translated and made available to the PAPs. Hard copies of the resettlement plan will also be made available at: (i) the offices of the PIU/PWD; (ii) office of the District Magistrates; (iii) Offices of the Panchayat / Municipality, as soon as the plans are available and certainly before initiating land acquisition process for the project.

Electronic version of the RAP will be placed on the official website of the PWD. In addition, all safeguard documents including the quarterly progress reports and concurrent monitoring reports, impact evaluation reports, list of eligible PAPs will be disclosed. RAPs will be maintained in the website throughout the life of the project.

### **5.3 Implementation Stage**

Consultations as part of the implementation stage would be direct interactions of the implementation agency with the Project Affected Persons. These would comprise of consultations towards relocation of the PAPs, relocation of cultural properties, and towards addressal of impacts on common property resources (CPRs) such as water bodies, places of religious importance, community buildings, trees etc. With the implementation of the R&R provisions in progress, consultations and information dissemination is to be undertaken to let the affected persons informed of the progress. Implementation stage also involves redressal of grievances in case of R&R aspects as well as relocation of common property resources through the grievance redressal mechanisms. These would usually be one to one meeting of PAP or community representatives with the grievance redressal committees established for the project.

### **5.4 Plan for further Consultation in the Project**

The extent and level of involvement of stakeholders at various stages of the project from design stage and through RAP implementation will open up the line of communication between the various stakeholders and the project implementing authorities, thereby aiding the process of resolving conflicts at early stages of the project rather than letting it escalate into conflicts resulting in implementation delays and cost overrun. Participation of the local community in decision-making will help in mitigating adverse impacts.

Further, successful implementation of the RAP is directly related to the degree of involvement of those affected by the road-projects. Consultations with PAPs has been proposed during RAP implementation and the PIU (PD, PIU, PWD) and the implementing support NGO will be responsible for conducting these consultations. The proposed consultation plan will include the following.

- I. Consultation for baseline user satisfaction survey to measure perception of safety along the project corridor among women
- II. In case of any change in project design, the PAPs and other stakeholders will be consulted

regarding the factors that necessitated the change, efforts taken to minimize resettlement impacts and mitigation measures available in accordance with the principles of the RPF of RSHIP.

- III. The PIU, with the assistance of the NGO, will carry out information dissemination sessions in the project area.
- IV. During the implementation of RAP, NGO will organize public meetings and will appraise the communities about the schedule/progress in the implementation of civil works, including awareness regarding road construction and HIV AIDS prevention.
- V. Consultation and focus group discussions will be conducted with the vulnerable groups like women headed Family, ST and SC to ensure that the vulnerable groups understand the process and their needs are specifically taken into consideration in the implementation.
- VI. Under the Road Accident Database Management System (RADMAS) being developed under this program, the community would also be involved in reporting road accidents, and emergency services on crashes using a smartphone application developed on the project.

## 5.5 Disclosure

The SIA / SIMP cum RAP will be disclosed by the PMU upon receiving approval from GoR and uploaded in the PWD website along with the translation of the RAP in local language. This would also be uploaded on the World Bank website. Hard copies of the said documents will be made available at the office of the PMU, PIUs and distributed to the PAPs.

Information will be disseminated to PAPs at various stages. Information including magnitude of loss, detailed asset valuations, entitlements and special provisions, grievance procedures, timing of payments, displacement schedule, civil works schedule will be disclosed by the PIU with assistance from the NGO hired for assisting in RAP implementation. This will be done through public consultation and made available to PAPs as brochures, leaflets, or booklets, etc. in Hindi. The Hindi version of executive summary of SIA / SIMP cum RAP along with Entitlement Matrix and structure and process of GRC will also be disclosed.

In addition, all safeguard documents including the quarterly progress reports and concurrent monitoring reports, impact evaluation reports, list of eligible PAPs will be disclosed. RAPs will be maintained in the website throughout the life of the project.

## 6 GENDER DEVELOPMENT PLAN

### 6.1 Objective of the Gender Action Plan

Towards mainstreaming gender equality, the gender action plan proposes measures that promote and ensures participation of the women in the project. Safety and security of women, sharing of project benefits, employment generation due to the project and livelihood support for women are some of the key areas of focus in this chapter. The objectives of the Plan are:

- a. Institutionalize/mainstream gender-related considerations into the project;
- b. Reduce gender disparities and enhance women's participation in the project activities;
- c. Increase equitable access to all transport opportunities;
- d. Develop capacities of the implementing units to enable gender sensitive programming;
- e. Establish a set of indicators and targets to monitor progress.

### 6.2 Legal Framework

There are many legal provisions and schemes to safeguard the interest of women, which has relevance to the project. Some of these laws and schemes are listed as follows-

Laws	Objective	Relevance to the Project
The Immoral Traffic (Prevention) Act, 1956	The Act intends to combat trafficking and sexual exploitation for commercial purposes.	To counter exploitation of women vulnerable to human trafficking in the project areas. In a transport project, human trafficking is a critical issue as migrant labour and vulnerable host population can be potential victims.
Maternity Benefit (Amendment) Act, 2017	The Act aims to regulate employment of women employees in certain establishments for certain periods before and after child birth and provides for maternity and certain other benefits.	Applicable to staff and other institutions established under the project.
Minimum Wages Act, 1948	The Minimum Wages Act, 1948 safeguards the interests of workers by providing fixation of minimum wages mainly focusing on unorganized sector and in specified occupations (called scheduled employments) (Section 2 g)	The minimum wages established for the sector by the state should be ensured by the employers to all workers, male and female.

Contract Labour (Regulation and Abolition) Act, 1970	To regulate the employment of contract labourers in certain establishments and to provide for its abolition in certain circumstances and for matters connected therewith.	Applicable to construction activities that engage contract labourers. Women are often engaged as contract labor and are particularly vulnerable to exploitative practices.
Equal Remuneration Act, 1976	To provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters connected therewith or incidental thereto.	Women engaged in the activities supported by the project should be paid at par with their male counterparts.
The Child Labour (Prohibition and Regulation) Amendment Act, 2016	Prohibits employment of children below 14 years in specific occupation and processes.	Applicable to construction activities to prohibit employment of children below 14 years of age.
Bonded Labour System(Abolition) Act, 1976	To abolish all debt agreements and obligations arising out of India's longstanding bonded labour system.	Applicable to construction activities to prohibit any form of human trafficking including bonded labour.
Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013	Provides measures for prevention, prohibition and redressal of complaints of sexual harassment by any woman who is harassed at a workplace.	To address any issues related to sexual harassment at the workplace within the context of the project.

### 6.3 Institutional Mechanisms to address Gender Based Violence (GBV)

In addition to various national and state level schemes for socio-economic support to women, Rajasthan has also established institutional mechanisms in order to address gender based violence. *Mahila Suraksha Evam Salah Kendra (MSSK)* have been setup in every district police stations. *Zila Mahila Sahayata Samiti* chaired by Zila Pramukh have also been constituted to deliberate and address any issues related to violence against women. Furthermore, a hospital based *One Stop Crisis Centre* has been established at 14 district hospitals in Rajasthan to provide counseling and rehabilitation for victims of sexual violence.

Further, as per *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act, 2013 (SHWW Act 2013)*, which applies to the organized and unorganized sector, government and private sectors, employers are required to constitute an Internal Complaints Committee (ICC) to look into complaints of sexual harassment. Various other compliances related to creating a safe and enabling work environment are also required.



## 6.4 Gender Profile of Rajasthan

Studies have continuously pointed out the fact that all the indicators of status of women in Rajasthan viz. literacy, employment, sex ratio, age at marriage, health and nutrition are very low. In Rajasthan, the child sex ratio in 0-6 age group is a dismal 883, compared to the national average of 914. Female literacy rate is equally abysmal with only 52.66 % of the female population being literate, once again much lower than the national average of 65.46% (*Census 2011*).

While there has been a decline in the incidence of child marriage, the pace for change remains slow in Rajasthan. As per 2011 Census, 32% girls are married under the age of 18 years in comparison to the national average of 17%. Limited education opportunities, inadequate infrastructure, lack of personal safety and security in relation to access and use of transport, particularly while travelling to school, significantly contribute to keeping girls out of school and therefore tend to favour child marriage (*UNICEF*).

Access to timely healthcare and lack of proper nutrition is another major concern. The Maternal Mortality Ratio in 2014-16 in Rajasthan is 199 as against the national average of 130. Furthermore, only 9.7% of mothers had received full antenatal care, while only 17.3 percent mothers had consumed iron folic acid for 100 days or more when they were pregnant (*NFHS-4, 2015-16*). This indicates that there are still many challenges, as far as access and availability of quality health care services for women are concerned.

There has been a decline in work force participation among females in the last ten years (*Census 2011*). The work participation rate for males and females in Rajasthan stands at 51.5% and 35.1%, respectively. This is corroborated by the findings of the NFHS- 4, which indicates that the percentage of women who worked in the last 12 months and were paid in cash, has reduced from 27.2% (NFHS-3) to 18.6%. Further, a study conducted by UNDP reflects that most women are not covered under schemes such as the Self-Help Groups to help tide over their immediate economic needs (*UNDP, 2013*). Overall, the Gender Empowerment Measure (0.442) in Rajasthan was found to be low, as compared to the national average of 0.497 (*UNDP, 2011*).

Rajasthan (78.3) is among the 5 states that has recorded the highest crime rate against women in the country (*NCRB, 2016*). The state reported 3,291 cases of rape under Section 376 IPC after Madhya Pradesh (4,682), Uttar Pradesh (4, 129) and Maharashtra (4,120). Maximum number of gang rape cases were reported in Uttar Pradesh followed by Rajasthan, with 366 cases. The state also accounts for the second highest number of cases reported for 'cruelty by husband or his relatives' (13,814 cases) in the country. According to NFHS 4, 25.1 % of ever married women in Rajasthan had experienced spousal violence.

NCRB also ranks Rajasthan second in the number of human trafficking cases reported in India. 2,519 victims (below the age of 18 years) were trafficked in 2016, alone. The state accounted for 17.49 % of the total 8,057 cases registered across the country.. In such a context, it seems even more pertinent to mainstream gender-related considerations into the project to improve development effectiveness, sustainability and to reduce gender inequality. Transport sector can also play a significant role in ameliorating or exacerbating the life conditions of other vulnerable groups such as children, elderly and differently-abled. The Gender Action Plan will identify opportunities where women and other

vulnerable groups can play a role in the planning and implementation of the road transport operation, particularly through participatory approaches.

### 6.5 Gender Profile of PAHs along project corridor

Based on the information available from the Social Impact Assessment surveys conducted so far, the key features of the gender profile along the priority project corridors is as follows:

- No family has the joint account in the name of husband and wife.
- Though majority of women are involved in agricultural and animal husbandry work besides working as labourer, the percentage of women in government or private service is very meagre.
- Some of the female members of affected families are the member of Panchayats, and SHGs.
- Women are at times involved and gave their advice in purchasing, selling articles/items or in solving any problem in their family.
- Almost all the respondents, expressed their willingness to provide skill development training to their female family members
- All the respondents mentioned that their female family members are allowed to pursue higher education.

### 6.6 Gender Action Plan

A Gender Action Plan has been prepared for implementation of this project. The plan seeks to address the various gender related issues through a set of activities, specifying the roles of different implementing agencies, including indicators to track progress towards reducing gender disparities in the project.

Stages	Gaps	Activities	Indicators	Responsibility
<b>Planning (Designing)</b>	Absence of gendered input into design, particularly on infrastructure  Staff not sensitized on gender issues	Conduct a safety audit of public spaces, school routes and pedestrian access along the corridors that women, children, infirm and differently abled use for their daily activities to identify their needs and constraints.  A user satisfaction survey into women's perception of safety along project corridors would be conducted in order to (a) identify interventions for improved infrastructure for women's safety; and (b) determine baseline for tracking progress on	Improvement in perception of safety among women along project corridors  Number of gender sensitization workshops held for staff and implementing agencies	<b>PIU, Authority Engineer</b>

Stages	Gaps	Activities	Indicators	Responsibility
		<p>interventions</p> <p>A study on human trafficking along project corridors would be conducted in the first six months in order to ascertain vulnerable routes, populations etc. and design suitable inputs to mitigate against potential human trafficking risks</p> <p>Modification of transport design features to accommodate requirements of women, children, infirm and differently abled from the perspective of safety and security.</p> <p>Organize gender sensitization workshops and build capacity of staff and implementing agencies on gender sensitive planning and implementation including compliance of relevant legal provisions to safeguard the interest of women at the workplace and within the community (laws pertaining to labour management, sexual harassment, etc.)</p>		
<b>Preparation (R&amp;R)</b>	Absence of gender disaggregated data in SIA	<p>Gather gender-disaggregated data during the social impact assessment</p> <p>Ensure payment of compensation on joint names</p>	Number of stakeholder consultations on work opportunities that target women specifically	<b>PIU, SIA Units, and Revenue Department</b>

Stages	Gaps	Activities	Indicators	Responsibility
		<p>One-time assistance (Rs. 25,000/-) to displaced households who must relocate</p> <p>Ensure training for skill development to women (and other vulnerable groups) whose livelihood is affected, including cost of training and financial assistance for travel/conveyance and food</p>	<p>Number of women PAPs whose sources of livelihoods/ income will be affected by project</p> <p>Number of women PAPs who received resettlement packages</p> <p>Number of plots allocated/registered in the names of both spouses</p>	
<b>Implementation</b>	<p>Barriers for greater participation of women in the workforce including the construction sites</p> <p>Absence of institutional mechanism to deal with cases of sexual harassment</p>	<p>Identify qualified female workforce in the project area and where possible, provide refresher/ upgrading training to enable them to qualify for recruitment at the construction site.</p> <p>Ensure compliance with various labour welfare legislations which mandate the contractor to provide facilities, which would encourage more women to join the workforce, such as those pertaining to creches, working conditions and remuneration.</p> <p>Conduct training and awareness generation activities for both workforce and local community, on the dangers of HIV/AIDS and methods to reduce the risk of infection</p> <p>Conduct training on</p>	<p>Number of women employed at the construction site</p> <p>Number of facilities in construction and camp site for women and men (toilets, creches, temporary housing, medical aid, etc.)</p> <p>Number of female working in supervisory positions/</p> <p>Number of trainings organized on labour compliance, mitigating risks of HIV/AIDS and gender based violence.</p> <p>At Mid-Term, the indicator would be the constitution of the Internal Complaints Committee (Y/N).</p>	<b>PIU, Authority Engineer and Contractor</b>

Stages	Gaps	Activities	Indicators	Responsibility
		<p>labour laws compliance to address needs and requirements of both women and men employed under the project.</p> <p>Establishment of Internal Complaints Committee as per The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act, 2013 in PWD</p>	<p>Thereafter, the indicator would be number of employees aware of and comfortable with approaching the ICC. <i>This information would be gathered through a survey.</i></p>	
<b>Grievance Redressal Mechanism</b>		<p>Constitute a Grievance Redressal System including a Grievance Redressal Committee at the project site.</p> <p>Constitute an Internal Complaints Committee for addressing complaints related to sexual harassment at the workplace.</p>	<p>No. of women members on the GRC or related group that has been constituted</p>	<b>Authority Engineer, Contractor</b>
<b>Monitoring and Evaluation</b>		<p>Submit quarterly progress reports with gender disaggregated data to monitor implementation of gender action plan</p> <p>Prepare a detailed GBV action plan in line with the Gender Action Plan</p>	<p>% achievement on execution of the Action Plan</p>	<b>Authority Engineer</b>

## 7. LABOUR STANDARDS PLAN

### 7.1 Overview of applicable Labour Laws and Policies

- Employees Compensation Act 1923: The Act provides for compensation in case of injury, disease or death arising out of and during the course of employment.
- Payment of Gratuity Act 1972: gratuity is payable to an employee under the Act on satisfaction of certain conditions on separation if an employee has completed 5 years' service or more or on death at the rate of 15 days wages for every completed year of service. The Act is applicable to all establishments employing 10 or more employees.
- Employees P.F. and Miscellaneous Provision Act 1952 (since amended): The Act provides for monthly contribution by the employer plus workers @ 10% or 8.33%. The benefits payable under the Act are:
  - Pension or family pension on retirement or death, as the case may be.
  - Deposit linked insurance on the death in harness of the worker.
  - Payment of P.F. accumulation on retirement/death etc.
- Maternity Benefit Act 1961: The Act provides for leave and some other benefits to women employees in case of confinement or miscarriage etc.
- Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013: This Act defines sexual harassment in the workplace, provides for an enquiry procedure in case of complaints and mandates the setting up of an Internal Complaints Committee or a Local Complaints Committee
- Contract Labour (Regulation & Abolition) Act 1970: The Act provides for certain welfare measures to be provided by the Contractor to contract labour and in case the Contractor fails to provide, the same are required to be provided, by the Principal Employer by law. The Principal Employer is required to take Certificate of Registration and the Contractor is required to take license from the designated Officer. The Act is applicable to the establishments or Contractor of Principal Employer if they employ 20 or more contract labour.
- Minimum Wages Act 1948: The Employer is supposed to pay not less than the Minimum Wages fixed by appropriate Government as per provisions of the Act if the employment is a scheduled employment. Construction of Buildings, Roads, Runways are scheduled employments.
- Payment of Wages Act 1936: It lays down the mode, manner and by what date the wages are to be paid, what deductions can be made from the wages of the workers.

- Equal Remuneration Act 1976: The Act provides for payment of equal wages for work of equal nature to male and female workers and for not making discrimination against Female employees in the matters of transfers, training and promotions etc.
- Payment of Bonus Act 1965: The Act is applicable to all establishments employing 20 or more employees. Some of the State Governments have reduced this requirement from 20 to 10. The Act provides for payments of annual bonus subject to a minimum of 8.33% of the wages drawn in the relevant year. It applies to skilled or unskilled manual, supervisory, managerial, administrative, technical or clerical work for hire or reward to employees who draw a salary of Rs. 10,000/- per month or less. To be eligible for bonus, the employee should have worked in the establishment for not less than 30 working days in the relevant year. The Act does not apply to certain establishments.
- Industrial Disputes Act 1947: the Act lays down the machinery and procedure for resolution of Industrial disputes, in what situations, a strike or lock-out becomes illegal and what are the requirements for laying off or retrenching the employees or closing down the establishment.
- Trade Unions Act 1926: The Act lays down the procedure for registration of trade unions of workmen and employers. The Trade Unions registered under the Act have been given certain immunities from civil and criminal liabilities.
- Child Labour (Prohibition & Regulation) Act 1986: The Act prohibits employment of children below 14 years of age in certain occupations and processes and provides for regulation of employment of children in all other occupations and processes. Employment of Child Labour is prohibited in the Building and Construction Industry.
- Inter-State Migrant workmen's (Regulation of Employment & Conditions of Service) Act 1979: The Act is applicable to an establishment which employs 5 or more inter-state migrant workmen through an intermediary (who has recruited workmen in one state for employment in the establishment situated in another state). The Inter-State migrant workmen, in an establishment to which this Act becomes applicable, are required to be provided certain facilities such as housing, medical aid, travelling expenses from home upto the establishment and back, etc.
- The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996 and the Building and Other Construction Workers Welfare Cess Act, 1996 (BOCWW Cess Act): All the establishments who carry on any building or other construction work and employ 10 or more workers are covered under these Acts. All such establishments are required to pay cess at the rate not exceeding 2% of the cost of construction as may be notified by the Government. The Employer of the establishment is required to provide safety measures at the building or construction work and other welfare measures, such as Canteens, First – Aid facilities, Ambulance, Housing accommodations for workers near the work place etc. The Employer to whom the Act applies has to obtain a registration certificate from the Registering Officer appointed by the Government.
- Factories Act 1948: the Act lays down the procedure for approval of plans before setting up a factory engaged in manufacturing processes, health and safety provisions, welfare provisions, working hours,

annual earned leave and rendering information regarding accidents or dangerous occurrences to designated authorities. It is applicable to premises employing 10 persons or more with aid of power or 20 or more persons without the aid of power.

- Weekly Holidays Act -1942
- Bonded Labour System (Abolition) Act, 1976: The Act provides for the abolition of bonded labour system with a view to preventing the economic and physical exploitation of weaker sections of society. Bonded labour covers all forms of forced labour, including that arising out of a loan, debt or advance.
- Employer's Liability Act, 1938: This Act protects workmen who bring suits for damages against employers in case of injuries endured in the course of employment. Such injuries could be on account of negligence on the part of the employer or persons employed by them in maintenance of all machinery, equipment etc. in healthy and sound condition.
- Employees State Insurance Act 1948: The Act provides for certain benefits to insured employees and their families in case of sickness, maternity and disablement arising out of an employment injury. The Act applies to all employees in factories (as defined) or establishments which may be so notified by the appropriate Government. The Act provides for the setting up of an Employees' State Insurance Fund, which is to be administered by the Employees State Insurance Corporation. Contributions to the Fund are paid by the employer and the employee at rates as prescribed by the Central Government. The Act also provides for benefits to dependents of insured persons in case of death as a result of an employment injury.
- The Personal Injuries (Compensation Insurance) Act, 1963: This Act provides for the employer's liability and responsibility to pay compensation to employees where workmen sustain personal injuries in the course of employment.
- Industrial Employment (Standing Order) Act 1946: It is applicable to all establishments employing 100 or more workmen (employment size reduced by some of the States and Central Government to 50). The Act provides for laying down rules governing the conditions of employment by the Employer on matters provided in the Act and get the same certified by the designated Authority.

## **7.2 Labour Influx Management**

According to preliminary estimates, approximately 50-150 workers would be required on each of the three priority corridors, of which 30%-50% may be brought in from other states including Madhya Pradesh, Uttar Pradesh and Bihar. Migrant labor may be semi-skilled, or may be brought in where requirement of labor is large. Location of construction camps have also been identified on all three corridors and the contractor has commenced preparation of camps. Arrangements for accommodation of technical staff at local guest houses in Bhopalgarh have also been made.

Labour would be required during construction of the roads in the project. Preference would be given to offer these jobs to PAPs and other local people. The bid documents specify that the contractor shall give preference



to local villagers for unskilled labour requirement. However skilled labour would also be required for technical support and construction. The skilled workers could be primarily migrant labours from places outside the state of Rajasthan.

The basic issues related with migrant labour may include:

- Conflict amongst workers, and between workers and local community, based on cultural, religious or behavioural practices;
- Discontent amongst local community on engagement of outsiders;
- Mild outbreaks of certain infectious diseases due to interactions between the local and migrant populations. The most common of these are respiratory (TB), vector borne (Malaria, Dengue), water borne (Stomach infections, typhoid) and sexually transmitted diseases (HIV, Syphilis and Hepatitis);
- Security issues to local women from migrant workforce;
- Use of community facilities such as health centres, temples, transport facility etc. by migrant labour may lead to discontent with local community;
- In case contractors bring in unskilled migrant labour, there stands the risk of exploitation of a labourer. This can happen in the form of hiring underage labourers, low and unequal wage payments, forced labour and discrimination on basis of the basis of caste, religion or ethnicity.

### 7.3 Potential Adverse Impacts

Labour influx for construction works can lead to a variety of adverse social and environmental risks and impacts.

#### a. Risk of social conflict

Conflicts may arise between the local community and the construction workers, which may be related to religious, cultural or ethnic differences, or based on competition for local resources, such as water which is already scarce for the host communities. Tensions may also arise between different groups within the labor force, and pre-existing conflicts in the local community may be exacerbated. Ethnic and regional conflicts may be aggravated if workers from one group are moving into the territory of the other.

#### b. Increased risk of illicit behaviour and crime

The influx of workers and service providers into communities may increase the rate of crimes and/or a perception of insecurity by the local community. Such illicit behaviour or crimes can include theft, physical assaults, substance abuse, prostitution and human trafficking. Local law enforcement may not be sufficiently equipped to deal with the temporary increase in local population.

#### c. Influx of additional population

Especially in projects with large footprints and/or a longer timeframe, people can migrate to the project area in addition to the labor force, thereby exacerbating the problems of labor influx. These can be people who expect to get a job with the project, family members of workers, as well as traders, suppliers and other service providers (including sex workers), particularly in areas where the local capacity to provide goods and services is limited.

**d. Impacts on community dynamics**

Depending on the number of incoming workers and their engagement with the host community, the composition of the local community, and with it the community dynamics, may change significantly. Pre-existing social conflict may intensify as a result of such changes.

**e. Increased burden on and competition for public service provision**

The presence of construction workers and service providers (and in some cases family members of either or both) can generate additional demand for the provision of public services, such as water, electricity, medical services, transport, education and social services. This is particularly the case when the influx of workers is not accommodated by additional or separate supply systems.

**f. Increased risk of communicable diseases and burden on local health services**

The influx of people may bring communicable diseases to the project area, including sexually transmitted diseases (STDs), or the incoming workers may be exposed to diseases to which they have low resistance. This can result in an additional burden on local health resources. Workers with health concerns relating to substance abuse, mental issues or STDs may not wish to visit the project's medical facility and instead go anonymously to local medical providers, thereby placing further stress on local resources. Local health and rescue facilities may also be overwhelmed and/or ill-equipped to address the industrial accidents that can occur in a large construction site.

**g. Gender-based violence**

Construction workers are predominantly younger males. Those who are away from home on the construction job are typically separated from their family and act outside their normal sphere of social control. This can lead to inappropriate and criminal behaviour, such as sexual harassment of women and girls, exploitative sexual relations, and illicit sexual relations with minors from the local community. A large influx of male labour may also lead to an increase in exploitative sexual relationships and human trafficking whereby women and girls are forced into sex work

**h. Local inflation of prices**

A significant increase in demand for goods and services due to labor influx may lead to local price hikes and/or crowding out of community consumers.

**i. Increased pressure on accommodations and rent**

Depending on project worker income and form of accommodation provided, there may be increased demand for accommodations, which again may lead to price hikes and crowding out of local residents.

**j. Increase in traffic and related accidents**

Delivery of supplies for construction workers and the transportation of workers can lead to an increase in traffic, rise in accidents, as well as additional burden on the transportation infrastructure.

## **7.4 Labour Influx Assessment and Management Plan**

Effective assessment and management of the potential impacts of labor influx on communities include the following steps, which are best undertaken in parallel with the respective stages of the project cycle.

- Screening and assessment of the type and significance of potential social and environmental impacts that may be generated by labor influx
- Assessment of the socio economic and cultural factors of the sub project road and in Rajasthan and assessment of these factors in policy and legal framework of the project;
- Development of a management plan for social and environmental impacts in consultation with affected communities; Implementation of appropriate mitigation and monitoring programs, which includes development and implementation of a stakeholder engagement program;
- Establishment of a grievance redress mechanism (GRM) for workers and host community; and
- Monitoring and supervision, and, as needed, adaptive management actions.

For this assessment, data on labour requirements would be required.

### 7.5 Mitigation Measures and Labour Law Compliance

All migrant workers are envisaged to be accommodated in temporary campsite within the project area. If migrant workers are accompanied by their families, provisions should be made accordingly. Inclusion of requirements for labour camp required to be established by contractor during construction phase of the project. Contractor shall ensure implementation of the measures to minimise the potential negative impacts.

The following checklist contains formats for labour-related data to be maintained by the contractor and to ensure compliance with applicable laws:

#### **CHECKLIST FOR TRACKING LABOUR-RELATED ISSUES**

1. PROJECT DATA				
1.1	<b>Name of Project</b>			
1.2	<b>Duration</b>			
1.3	<b>Start Date</b>			
1.4	<b>Estimated Completion Date</b>			
1.5	<b>Location</b>			
1.6	<b>Name and Contact Information (email/phone) of Contractor</b>			
1.7	<b>Name and Contact Information (email/phone) of all sub-Contractors</b>			
1.8	<b>Type of Project (project description)</b>			
1.9	<b>Types of activities undertaken phase wise, with timeline</b>	<i>Phase 1 (timeline)</i>	<i>Phase 2 (timeline)</i>	<i>Phase 2 (timeline)</i>
		<i>Phase 1 (type of activity)</i>	<i>Phase 2 (type of activity)</i>	<i>Phase 2 (type of activity)</i>

<b>2. LABOUR PROFILE</b>						
<i>This data is to be collected for each <u>individual</u> labourer working on the project, including temporary labour, labour hired through sub-contractors or labour contractors / groups</i>						
2.1	Number of labourers by sex	<i>Male</i>	<i>Female</i>			<b>Total</b>
2.2	Number of labourers by skill	<i>Skilled</i>	<i>Semi-skilled</i>		<i>Unskilled</i>	<b>Total</b>
2.3	Number of labourers by origin	<i>Local (same or adjoining districts)</i>	<i>Other state</i>		<i>Other Country</i>	<b>Total</b>
2.4	Number of labourers by age	<i>14-18</i>	<i>18-25</i>	<i>25-50</i>	<i>Above 50</i>	<b>Total</b>
2.5	No. of labourers by Source	<i>Contractor</i>	<i>Subcontractor</i>	<i>Independent</i>	<i>Other</i>	<b>Total</b>

<b>3. WAGES</b>				
3.1	Amount of wages paid per month (men)	<i>Skilled</i>	<i>Semi-skilled</i>	<i>Unskilled</i>
3.2	Amount of wages paid per month (women)	<i>Skilled</i>	<i>Semi-skilled</i>	<i>Unskilled</i>
3.3	Rate of wages below, equal to or more than Minimum Wage?			
3.4	Frequency of payment (daily/weekly/monthly)			
3.5	Deductions made, if any (with details)			
3.6	Mode of Payment (cash / Bank transfer / cheques)			
3.7	Is overtime paid, and if so, at what rate?			
3.8	Is Overtime Register maintained at work-spot as per Form IV of Minimum Wages Central Rules			

3.9	Is Muster maintained at work-spot as per Form V of Minimum Wages Central Rules	
3.10	Is Register of Wages maintained at work-spot as per Form X of Minimum Wages Central Rules	
3.11	Is Labor provided with Wage Slip as per Form XI of Minimum Wages Central Rules	
3.12	How many hours is the working day?	
3.13	How many leaves in a week does the labor get?	

4. MAINTENANCE OF OTHER LABOR RECORDS		
4.1	Is a copy of photo ID of each laborer kept with the employer?	
4.2	Is verification of qualifications / experience for all semi-skilled and skilled labor done? If so, by which documents?	
4.3	Is contact information of labor's next-of-kin kept for each laborer?	
4.4	How many labourers have been employed from State Employment Exchange?	

5. FACILITIES					
5.1	Details of labor camps	Number	Permanent/Temp.	Location	Distance from nearest village/habitation
		1...			
		2...			
5.2	Type of housing in labor camp on leased land (temporary shelters/kuchha/pukka)				
5.3	Is there any housing on public land like roadsides, open fields and other spaces?				

5.4	Is there any housing in rented accommodation in residential areas? If so, who is it rented by?	
5.5	How many laborers have families on/near worksite?	
5.6	Is drinking water available on site and at the campsite?	
5.7	Are latrines and urinals provided on site and at the campsite?	
5.8	Are First Aid facilities provided on site?	
5.9	Does a doctor visit the worksite / campsite regularly?	
5.10	Is there a tie-up with a hospital or dispensary near the worksite / campsite	
5.11	Is woolen clothing/rainwear provided?	
5.12	Is there a provision for a crèche/nursery?	
5.13	Is there a facility for cooking / canteen facility for all labor?	
5.14	Are leisure activities / facilities available for all labor	
5.15	Is transport to and from the worksite provided to labor?	

<b>6. SUPERVISION BY LABOR OFFICIALS</b>		
6.1	Has the worksite / campsite been inspected by a labor official?	
6.2	How many times has the worksite / campsite been inspected by a labor official since commencement of work?	
6.3	What documents were inspected by labor officials?	
6.4	What documents were maintained and which ones were not?	

6.5	What directions were given by labor officials?	
6.6	What is the mode of compliance with such directions?	
6.7	Are you facing any legal proceedings on labor issues in Labour Court/ Commissioner for Employees' Compensation/ Other?	

<b>7. ACCIDENTS, EMERGENCIES AND INCIDENTS</b>		
7.1	What is the nature of accidents / emergencies usually occurring at a worksite like yours?	
7.2	Is a functioning First Aid available at the campsite / worksite?	
7.3	Is functioning fire-fighting equipment available at the campsite / worksite?	
7.4	Which is the nearest doctor / clinic / dispensary?	
7.5	Which is the nearest hospital?	
7.6	Which is the nearest Police Station?	
7.7	Are details of nearest doctor / clinic / dispensary / hospital / Police station available and prominently displayed at worksite / campsite?	
7.8	What is the system of informing next of kin?	
7.9	Do you have ESI / ECA coverage?	
7.10	What is your familiarity with accident reporting procedures?	
7.11	What is your familiarity with police reporting procedures?	
7.12	Has an Internal Complaints Committee been constituted and other appropriate measures undertaken at the workplace as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013?	

## 8. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION

### 8.1 Administrator of LARR

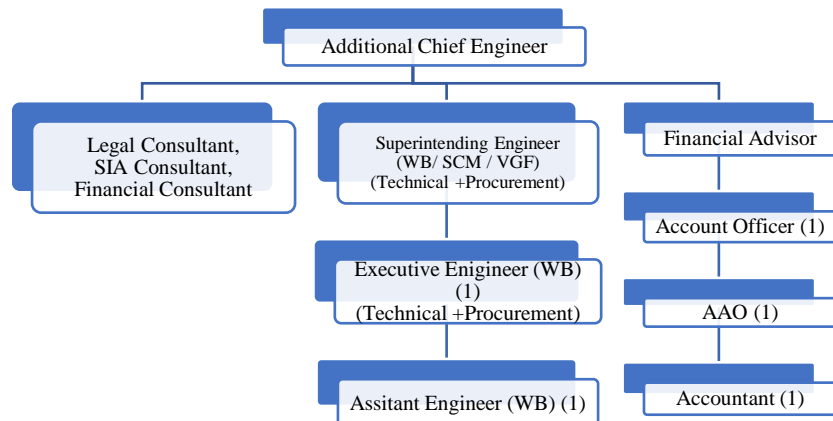
The jurisdictional Additional Collector will be the administrator for Land Acquisition, Resettlement and Rehabilitation (LARR). The jurisdictional Additional Collector being the competent authority for land acquisition, he will also look into Resettlement and Rehabilitation and s/he will be supported by the Project Director, PIU in implementation of resettlement plan.

### 8.2 Implementation Agencies

For resettlement activities, the PPP Division, PWD, Government will be the Project Management Unit (PMU) and will be overall in charge of coordination between the Project Implementation Units (PIU) in social safeguards compliance.

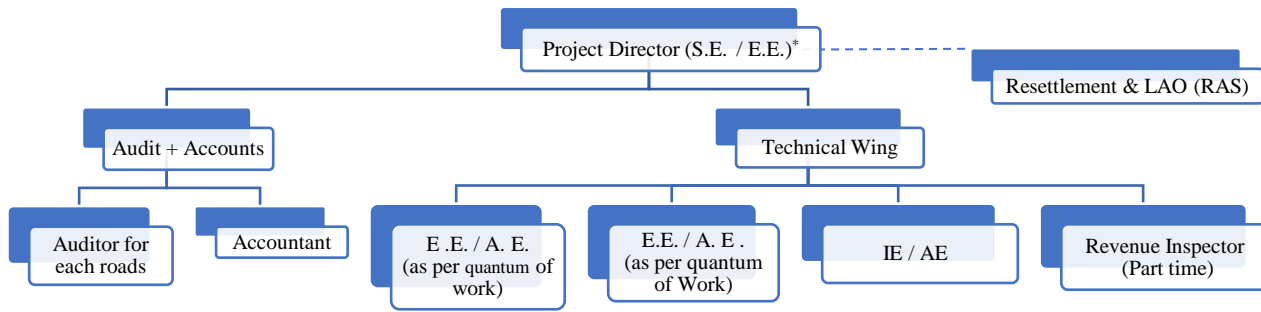
PPP Cell will be headed by an Additional Chief Engineer (ACE), and responsible for all activities related to resettlement and rehabilitation. ACE will be assisted by Superintending Engineer (SE), will be assisted by an Environmental Specialist and a Social Development Specialist. Executive Engineer will be assisted by Project Directors.

#### Institutional arrangement at PMU Level



#### Institutional arrangement at PIU Level





**Implementation Agencies and Key Responsibilities**

Key Agency		
<b>Level</b>		
Additional Engineer	Chief	<ul style="list-style-type: none"> <li>Responsible for all activities related to resettlement and rehabilitation.</li> <li>Make final decision on roads to be included under the project</li> <li>Overall responsibility for project design, feasibility, construction and operation and guide PIUs</li> <li>Ensure that all subprojects comply with the provisions of WB safeguards policies and GoI’s policies and regulations</li> <li>Assess the capacity of the PIU in identifying and managing social safeguard issues and facilitate capacity building of PIU officers and RAP implementation support NGO.</li> </ul>
<ul style="list-style-type: none"> <li>Social Development / Resettlement Specialist</li> </ul>		<ul style="list-style-type: none"> <li>Assist in preparing background material for a project's Involuntary Resettlement (IR) and Indigenous Peoples (IP).</li> <li>Assist in preparing Resettlement Frameworks/ Indigenous Peoples Framework / and Review Framework</li> <li>Guide the Feasibility consultants in conducting resettlement census survey, meaningful consultations, and collecting data as per requirements of funding agency and/or RPWD.</li> <li>Finalize resettlement plans based on data provided by Feasibility consultants, including measures to restore livelihoods and quality of life. Closely follow resettlement plan templates provided.</li> <li>Based on feasibility study, identify permanent and temporary socioeconomic impacts as a result of land acquisition, changes in land use, or restrictions of access to assets and common property resources</li> <li>Carefully assess and provide best estimate on impact to land assets and non-land assets for titleholders and non-titleholders.</li> <li>Assess risks and opportunities for affected people. Identify strategies and options to restore livelihoods and quality of life.</li> <li>Guide Feasibility consultants to undertake due diligence on project sections where land was previously acquired to ensure compliance with</li> </ul>

	<p>Government regulations. Prepare due diligence report and/or corrective action plan, if needed.</p> <ul style="list-style-type: none"> <li>• Review the organizational structure and assess the institutional capacity of executing agency to implement the resettlement plans and other social development-related measures and recommend improvements required before the start of land acquisition.</li> <li>• Help executing Agency to establish resettlement units, including the recruitment of NGOs for implementing resettlement Plans and IPDPs.</li> <li>• Provide training to government personnel, NGOs and contractor in preparing and managing resettlement activities and generally act as a resource person for resettlement, indigenous people.</li> </ul>
<ul style="list-style-type: none"> <li>• Legal Advisor</li> </ul>	<ul style="list-style-type: none"> <li>• Implementation of various acts/sections under LARR 2013 and GOR act 2016.</li> <li>• co-ordinate with PIUs and different agencies, such as the contractor, District Administration and other departments in the regional office for LA &amp; RR in execution of various sections/laws.</li> <li>• The officer will represent PWD in public meetings.</li> </ul>
<ul style="list-style-type: none"> <li>• Superintending Engineer</li> </ul>	<ul style="list-style-type: none"> <li>• Overall monitoring of progress of LA and R&amp;R activities at PMU and PIU level</li> </ul>
<ul style="list-style-type: none"> <li>• Executive Engineer</li> </ul>	<ul style="list-style-type: none"> <li>• Submission of LA application</li> <li>• Selection of SIA Agency / Notification of SIA agency</li> <li>• Preparation of Draft SIA report &amp; Final SIA report &amp; SIMP</li> <li>• Consent of affected land owners, Publication of Preliminary Notification u/11, Preliminary survey of land disposal of objections &amp; report to Govt.</li> <li>• Decision of State Govt. on report of Collector</li> <li>• Appointment of R&amp;R Administrative. Preparation of Draft R&amp;R Scheme and preparation of final R&amp;R Scheme by collector</li> <li>• Approval of R&amp;R Scheme &amp; Publication of approved R&amp;R Scheme</li> <li>• Publication of Declaration of Acquisition</li> <li>• Notice of file Claim, Determination of Land Rates u/s 26, award of Land and R&amp;R and payment of ward by Collector.</li> <li>• Possession &amp; vesting land</li> </ul>
<ul style="list-style-type: none"> <li>• At PIU Level</li> </ul>	
<ul style="list-style-type: none"> <li>• Project Director (S.E. / E.E.)*</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Disseminate project information to the project affected community with assistance from DPR Consultants</li> <li>• Ensure establishment of Grievance Redress Committee at the district level for grievance redress with assistance from DPR Consultants</li> </ul>

	<ul style="list-style-type: none"> <li>• Review IR impact categorization checklist, subproject appraisal note and undertake field visits and advise the field units about the RAP safeguards documentation required for subprojects.</li> <li>• Ascertain the extent of private land to be acquired and extent of government to be transferred and liaison with the jurisdictional Additional Collector and concerned government departments in getting possession of the same.</li> <li>• Review RAP prepared by the DPR consultants and finalizes the same.</li> <li>• Disclosure of project information in public spaces and through relevant media.</li> <li>• Disseminate project information to the community in coordination with DPR Consultants</li> <li>• Facilitate the socio-economic impact assessment survey</li> <li>• Support NGO to assist the field units in RAP implementation.</li> <li>• Review and approve micro plans, containing the list of PAPs and their entitlements, prepared by field units.</li> <li>• Obtain necessary approval for the micro plans and make necessary funds available for disbursement and for development of resettlement sites.</li> <li>• Ensure payment of compensation and R&amp;R assistance to the PAPs</li> <li>• Coordinate with the NGO in implementing RAP</li> <li>• Facilitate consultation by the civil works contractor with community throughout implementation</li> <li>• Supervise the mitigation measures during implementation and it's progress</li> <li>• Conduct internal monitoring and prepare reports</li> <li>• Coordinate with Additional Collector and field units in identifying suitable land for resettlement sites and monitor the progress of development of site and relocation of PAPs.</li> <li>• Undertake internal monitoring of the progress made in RAP implementation and take necessary corrective actions, if required.</li> <li>• Review and consolidate the LA and RAP implementation progress reports submitted by the jurisdictional Additional Collector, RAP implementation</li> <li>• Support NGO, and submit monthly progress report to PMU.</li> </ul>
<ul style="list-style-type: none"> <li>• Resettlement &amp; LAO (RAS)</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• ensuring the publication of notifications and declaration specified under the Sections 11 and 19 of the RFCTLARR Act 2013 on behalf of the Additional Collector.</li> <li>• Preparation of the Award</li> <li>• Determination of the value of the affected structures</li> <li>• Disbursement of the compensation</li> </ul>

	<ul style="list-style-type: none"> <li>• Identification of land for resettlement and construction of the resettlement colony, if required</li> </ul>
<ul style="list-style-type: none"> <li>• Detailed Project Report (DPR) Consultants</li> </ul>	<ul style="list-style-type: none"> <li>• Minimize IR impact through judicious design</li> <li>• Undertake consultations involving community and PAPs</li> <li>• Conduct socioeconomic impact assessment survey</li> <li>• Complete screening checklist</li> <li>• Encourage community/ PAPs to voluntarily participate during the implementation</li> <li>• Prepare RAP document as required</li> </ul>
<ul style="list-style-type: none"> <li>• Project Management Consultant (PMC)</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure compliance of WB's OPs during project implementation</li> <li>• Provide technical support and advise for addressing complaints and grievances and participate in resolving issues as a member of the GRC</li> <li>• Provide technical advice and on the job training to the contractors as necessary</li> <li>• Support PIU and PMU as required</li> <li>• Coordinate with RAP implementing NGO in safeguards compliance</li> <li>• Preparation of semi-annual monitoring reports based on the monitoring</li> </ul>
<ul style="list-style-type: none"> <li>• Authority Engineer</li> </ul>	<ul style="list-style-type: none"> <li>• Support PIU in field level implementation of RAP</li> <li>• Monitor compliance of RAP and labour laws in the field</li> <li>• Review reports on progress and compliances submitted by NGO</li> </ul>
<ul style="list-style-type: none"> <li>• Contractor</li> </ul>	<ul style="list-style-type: none"> <li>• Consult community and PIU regarding location of construction camps</li> <li>• Sign agreement with titleholder for temporary use and restore land to equal or better condition upon completion</li> <li>• Commence construction only when alignment is free of encumbrance</li> <li>• Respond in a timely fashion to recommendations from GRCs</li> </ul>
<ul style="list-style-type: none"> <li>• Non-Government Organization</li> </ul>	<ul style="list-style-type: none"> <li>• Assist PIU in verification and updating, if required, the detailed census and socio-economic survey of displaced persons carried out during DPR preparation based on detailed design, and verify the identity of below poverty line, female-headed, and other vulnerable households affected by land acquisition and involuntary resettlement and issue ID cards;</li> <li>• Prepare micro plan and get vetted by PIU;</li> <li>• Facilitate the process of disbursement of compensation to the PAPs – coordinating with the PIU and informing the displaced persons of the compensation disbursement process and timeline;</li> </ul>

	<ul style="list-style-type: none"> <li>• Assist PAPs in opening bank accounts explaining the implications, the rules and the obligations in having a bank account, process of disbursement adopted by the Additional Collector and how s/he can access the resources s/he is entitle to;</li> <li>• Assist the PAPs in ensuring a smooth transition (during the part or full relocation of the affected persons), helping them to take salvaged materials and shift;</li> <li>• In consultation with the PAPs, inform the PIU about the shifting dates agreed with PAPs in writing and the arrangements they desire with respect to the entitlements;</li> <li>• Organize training programs to the vulnerable for income restoration;</li> <li>• Conduct meaningful consultations throughout the RAP implementation and ensure disclosure of the summary of RAPs in an accessible manner to the displaced persons;</li> <li>• Assist PAPs in grievance redressal process;</li> <li>• Assist PIU in keeping detailed records of progress and monitoring and reporting system of RAP implementation; and</li> <li>• Act as the information resource center for community interaction with the project and maintain liaison between community, contractors, project implementing units and the administrator, during the execution of the works.</li> </ul>
<ul style="list-style-type: none"> <li>• IA (PMU) PWD</li> </ul>	<ul style="list-style-type: none"> <li>• Prepare IR Plan as required and submit to WB for review and approval.</li> <li>• Review and update RPF as and when there are changes in the applicable law.</li> <li>• Review whether the PIUs have taken efforts to avoid or minimize IR impacts during the subproject design stage and during implementation stage.</li> <li>• Verify whether the RAPs have been prepared and is in commensurate to the significance of the impact and whether the documents have been submitted along with the detailed project report.</li> <li>• Facilitate coordination between various government departments in land acquisition and implementation of the RAP.</li> <li>• Carry out periodic review of the progress on RAP implementation and ensure that the progress reports are submitted in a timely manner.</li> <li>• Verify whether the PIUs are handing over the land free from encumbrance as stipulated in the contract document.</li> <li>• Consolidate the progress reports received from the respective PIUs and submit the quarterly progress report to WB and any other information as required by WB in a timely manner.</li> <li>• Initiate engagement of an external monitor/agency to undertake semi-annual monitoring of the subprojects either through PMU or PIU and</li> </ul>

	<p>submit the semi-annual monitoring report to WB along with PMU/PIU's response to the comments/observations made in the report.</p> <ul style="list-style-type: none"> <li>• Ensure that sufficient funds are available to properly implement all agreed IR safeguard measures</li> <li>• Submit semi-annual safeguards monitoring reports to WB</li> <li>• Facilitate coordination between various government departments in implementation of the IR</li> </ul>
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### 8.3 Rehabilitation and Resettlement Award

In accordance with the provisions of the RFCTLARR Act [Sec31 (1)], the competent authority will pass a Rehabilitation and Resettlement (R&R) Award. All the affected titleholders who are eligible for R&R assistance will be notified along with details of eligible assistance as per the provisions of RFCTLARR Act. Initially a draft list will be notified by giving minimum of 15 days' time inviting objections, if any, regarding discrepancies on the nature and quantum of assistance. The final list will be notified after taking into account the objections, if any. Similarly, the list of those affected non- title holders will also be notified along with the details of R&R assistance and a separate R&R award enquiry will be conducted for the non-titleholders.

### 8.4 Micro plan

The implementation support NGO will prepare the draft micro plan, milestone wise for each of the subproject roads detailing the type of loss, tenure of the PAP, vulnerability status and the entitlements as per the provisions of the Entitlement Matrix (EM) in the RPF. The draft micro plan will be disclosed in the jurisdictional village panchayat where the PAPs are living/having business, and 1-week after the disclosure, the R&R award enquiry will be held by the jurisdictional Additional Collector.

Based on the R&R award enquiry outcome, the NGO will submit the final micro plan to PD, PIU for verification and onward transmission to Project Director, PMU. The Project Director, PMU, after scrutiny of the micro plan will accord approval for the same and submit to the jurisdictional Additional Collector with necessary funds for disbursement.

### 8.5 R&R Award Process

The Additional Collector will hold R&R award enquiry in the project area and will send prior intimation to all concerned PAPs through the jurisdictional *Patwaris* and the NGO.

During the R&R award enquiry, each PAP will be informed about the type of loss and tenure as recorded during census and socio-economic survey and verified subsequently, and the entitlements due to the PAP as per the provisions contained in the EM of the RPF. All the PAPs will be given an opportunity to be heard and concerns if any, will be addressed. The R&R proceedings will be recorded and copy of the R&R award will be issued to the PAP then and there.

### 8.6 E-RAP Tool

A well-designed MIS will be created and will be maintained at PIU and PIU level. The E-RAP MIS and mobile application tool is being developed under this project and will be used to manage and track the processes and data for the land acquisition process. The MIS will be supported with approved software and will be used for maintaining the PAPs baseline socio-economic characteristics, developing pre-defined reports, and tracking the land acquisition and resettlement progress. The individual entitlements, compensation calculations, structure valuation, etc. will be updated using MIS software. The data and information required for periodical progress reports will be generated using MIS database.

### **8.7 Capacity Building of PIU**

The staff of PIU, NGO and the staff of PMU, who are involved in LA and R&R will require to be familiar with land acquisition procedures and WB Safeguards policy requirements. In order to build the capacity of the PIU and the PMU, an orientation and training in resettlement management at the beginning of the project will be undertaken. The training activities will focus on issues concerning (i) principles and procedures of land acquisition, (ii) public consultation and participation, (iii) entitlements and compensation disbursement mechanisms, (iv) Grievance redressal and (v) monitoring of resettlement operation.

## 9. Grievance Redress Mechanism

### 9.1 Grievance Redressal Committee

Grievance Redressal Committee (GRC) will be established at two-levels, one at the District level (PIU level) and second at PMU level. The GRC is to receive, evaluate and facilitate the resolution of Project Affected Person's (PAPs) concerns, complaints and grievances. GRC will provide an opportunity to the PAPs to have their grievances redressed prior to approaching the State level LARR Authority, constituted by Government of Rajasthan in accordance with Section 51(1) of the RFCTLARR Act, 2013. GRC is aimed to provide a trusted way to voice and resolve concerns linked to the project and to be an effective way to address DPs concerns without allowing it to escalate resulting in delays in project implementation.

The GRC will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. The GRC is not intended to bypass the government's inbuilt redressal process, nor the provisions of the statute, but rather it is intended to address displaced persons concerns and complaints promptly, making it readily accessible to all segments of the displaced persons and is scaled to the risks and impacts of the project.

The Resettlement Action Plan provides for entitlements for the various types of losses corresponding to the tenure and an institutional mechanism to disburse compensation and R&R assistances. A consultations and disclosure plan is also provided for meaningful consultations and timely disclosure. The GRC is expected to resolve the grievances of the affected persons arising in the implementation of this RAP in a transparent and timely manner. The decision of the GRCs will be final unless vacated by the LARR Authority.

The GRC will continue to function, for the benefit of the Displaced Persons, during the entire life of the project. The response time prescribed for the GRCs would be four weeks. Since the entire resettlement component of the project has to be completed before the construction starts, to resolve the pending grievances, the GRC, at PIU and PMU level, will meet at least once every month in the first year of RP implementation and once in two months thereafter. Other than disputes relating to ownership rights and apportionment issues on which the LARR Authority has jurisdiction, GRC will review grievances involving eligibility, valuation, all resettlement and rehabilitation benefits, relocation, payment of assistances and construction induced adverse impacts. Grievances received by the PD, PIU will be resolved at his level, if possible, else it will be placed before the GRC.

**First Level GRC:** First level GRC will function at the District level where the subprojects are being implemented. The district level GRC will be chaired by SDM, as its Chairman, and the members will comprise of the PD, PIU, PWD as member secretary of GRC.

**Second Level GRC:** Second level GRC will function at PMU level. The Additional Chief Engineer (ACE), PPP division, PWD will be the chairperson and the appellate authority who will be supported by the Superintending Engineer, PMU, PWD as member secretary of GRC.



## **9.2 Functions of GRC**

### **9.2.1 Field Level Complaint Handling System**

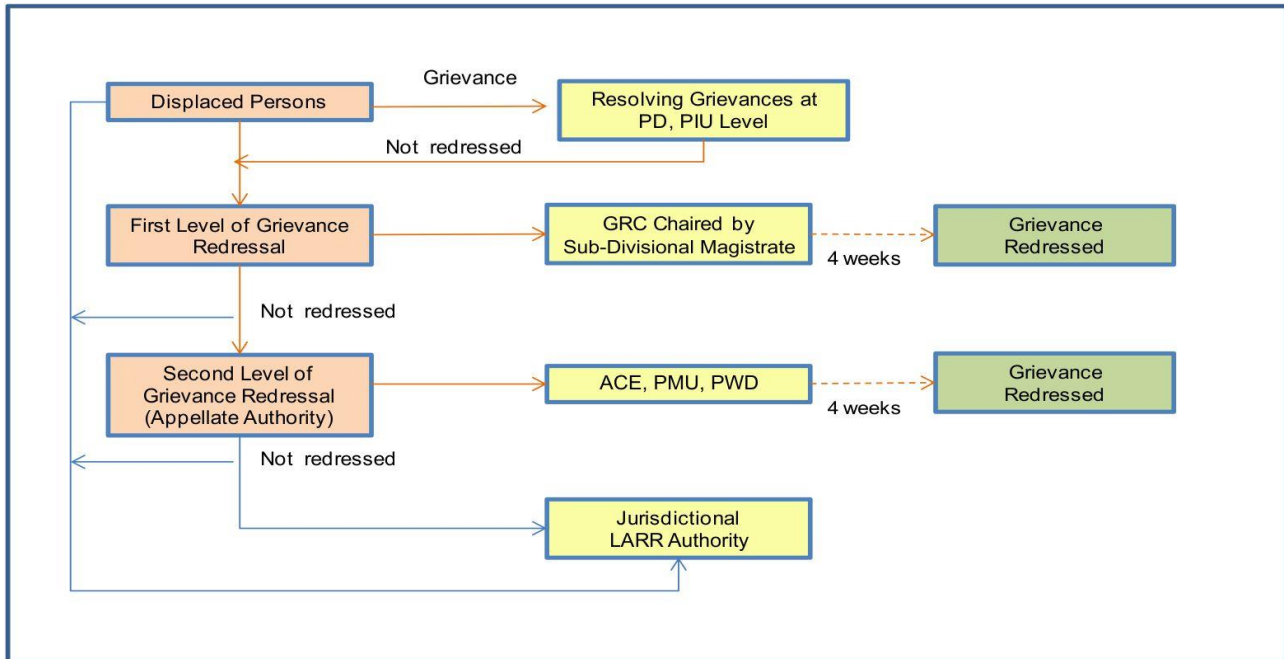
The GRC should meet at least once in a month in the respective office of the jurisdictional SDM office. Petitions received from PAPs of any concerns or complaints or grievances should be taken up in the GRC. The member secretary should maintain a register of all petitions received with details of date of receipt of the petition, date of hearing, if any, date when it was considered by the committee, along with nature of complaint/concern, action taken and date of communication sent to petitioner. Communication, in writing should be sent to the aggrieved person about the date, time and venue of the GRC sitting and make it known that s/he is entitled for personal hearing and that representation through proxy will be not be entertained. Communication will also be sent through implementation support NGO so as to ensure that the petitioner is informed about the date of GRC sitting.

Copies of petitions received 1-week prior to the committee's sitting should be sent to Chairman and the member along with an explanatory note from appropriate authority and/or RP implementation support NGO, as the case may be, to enable the Chairman and member to scrutinize the petitions in detail. Petitions received in the week of the committee's sitting, shall be taken up during the sitting and resolved.

### **9.2.2 Headquarter Level (PMU) Complaint Handling System**

Decision of the committee will be final unless an appeal is preferred with the Additional Chief Engineer (ACE) at PMU. If the committee is unable to arrive at a decision through consensus, the matter will be referred to the appellate authority with a note on opinion of the committee members. The complaint/concern will be redressed in four weeks' time and written communication should be sent to the complainant about the decision taken.

The RAP implementation support NGO will assist displaced persons in registering their grievances and being heard. The complaint / grievance will be redressed in 4 week time and written communication will be sent to the complainant. A complaint register will be maintained at PIU/PMU level with details of complaint lodged, date of personal hearing, action taken and date of communication sent to complainant. If the complainant is still not satisfied s/he can approach the appellate authority and/or the jurisdictional LARR Authority. The complainant can access the appropriate LARR Authority at any time and not necessarily go through the GRC.



### Grievance Redressal Process

Linking and augmenting the existing provisions in the portal with a toll-free number phone based recording and registration of complaints will be undertaken by PMC (Project Management Consultant) appointed by PWD in consultation. The work flow of the mechanism is further elaborated below.

### 9.3 Process Flow of Grievance Redressal mechanism through toll Free Number

A dedicated phone line shall be established which shall be operational for 8 hours every day. The dedicated phone line will be operated at PMC level and monitored at PIU level by the PD for resolving each complaint. The grievance redress mechanism will be planned around the following process flow.

**Step 1:** Grievance is received by the redressal officer at PMC and the officer will enter the details of the complainant as a new caller.

**Step 2:** A confirmation will be sent through auto generated SMS, with a reference number to the person registering the complaint. Provision may be made for providing a token number to the complainant, to help the complainant track the grievance.

**Step 3 -** Once the complaint is registered, the PMC will receive an SMS notification, with a deadline of 21 days to resolve the grievance. PD will monitor the complaint status by option of choosing the following actions:

- a) View (Complaint will be viewed)
- b) Action (what are the actions that have been taken to resolve the complaint)
- c) Assign / forward (the action will be forwarded)
- d) Escalate (The complaint will be escalated to officials at PMC)
- e) Resolve (The Problem is solved in the stipulated time period)

**Step 4 - Taking Action:** A window of 14 days will be provided to the PMC official concerned to resolve the issue and submit their responses. In case of non-response, SMS alert will be issued to remind the officers about the action pending.

**Step 5 - Resolving the grievance:** Once the grievance is addressed and updated information is placed in the software, the grievance is labeled as resolved. An SMS will be accordingly issued to the complainant. If any grievance is not resolved within 21 days an SMS alert will be issued to the PMU and the concerned officer will take appropriate action to solve the grievance.

#### 9.4 Rajasthan Sampark System Overview

In addition to above mentioned grievance redressal mechanism, the Government of Rajasthan has been continuously striving to bring in excellence in citizen service delivery by ensuring transparency and minimizing grievances. As an initiation to ensure proper service to the citizen, a project named “**Rajasthan Sampark**” has been implemented through Department of IT and Communications. The project paves the way for a common man to reach the departments of the State Government for their queries and concerns, with the help of Information Communication and Technology (ICT) Interventions.

This application is web based interface and supports integration with different means to register the grievances from common man. The means for the registration can be through the online registration, calls to the organization, integration with social networking sites, mobile application and so on. It maintains the disposal of the grievance according to defined hierarchy of the organization. The hierarchy can be defined for different levels as demographical, office, administrative. The monitoring of the application would be maintained according to the defined workflow.

The main aim of the application is to track the process of grievance redressal. This would include the registration of the grievance and then monitoring the grievance. Also, maintaining a record of the details of the grievance after its disposal.

Through **Rajasthan Sampark**, Government of Rajasthan intends to achieve all important aspects of good governance viz. Robust Delivery System, Transparency, Communication, Grievance Redressal and Sensitivity towards citizens.

With the objective of keeping the focus on resolution of individual grievances/general complaints, all telephonic calls received in the cc are divided in four categories.

1. General complaints
2. Demands
3. Corruption complaints
4. Information on schemes

#### *Levels of processing grievances received on helpline*

The mechanism of grievance handling on the helpline basically depends upon adherence to the set timelines for redressing individual grievances and satisfaction of the applicant expressed on helpline through the registered mobile number.

Level 1: Generally the officers posted at Panchayat Samiti/Tehsil level are designated as Level 1 officers. These officers are directly responsible for redressing the grievances. There are, however, certain departments which are not represented at Panchayat Samiti level. In such cases, the officers posted at the district headquarters or otherwise are not designated as Level 1 officers. In such cases, there is no Level 1 officer but the mapping starts from Level 2. For example in Excise Department there is no officer posted at Panchayat Samiti/Tehsil level and consequently, District Excise Officer posted at the district headquarters is designated as Level 2 officer, although there is no L1 officer.

### **Rajasthan Sampark System Overview**

Level 2: As a general rule, the officers posted at District headquarters are designated as Level 2 officers. Registered grievance is automatically escalated to Level 2 under the following circumstances:

1. When Level 1 officer does not disposed off the grievance within the prescribed timeline.
2. When the applicant is not satisfied with the redressal given by L1 officer.

Whenever, any particular application gets escalated to Level 2 officer, it is his responsibility to ensure redressal within the time line prescribed for Level 2. Once, some application gets escalated to higher level, reasons for delay in redressal of grievance have to be explained by the officers at lower level.

Level 3: Officer posted at the Divisional/Zonal headquarters is designated as Level 3 officer. Pending grievances from Level 2 get escalated to Level 3 under the conditions prescribed for escalation from Level 1 to Level 2.

Level 4: HODs/Administrative Secretaries are designated as Level 4 officers depending upon the administrative structure of the department/organization. For example in Panchayati Raj Department BDO is Level 1 officer, CEO is Level 2 officer, Commissioner, PR is Level 3 Officer and Secretary PR is Level 4 officer. In contrast, in Revenue Department Tehsildar is Level 1 officer, SDO is Level 2 officer, District Collector is Level 3 Officer and Divisional Commissioner is Level 4 officer. Again a particular grievance gets escalated to Level 4 officer when either it does not get resolved at Level 3 within the prescribed timeline or the applicant remains unsatisfied of the redressal.

### **9.5 Samadhan Video Conference by the Hon'ble CM**

Every month, Hon'ble CM takes a review meeting (Raj Vikas) through video conferencing to assess the ground reality in reference to grievance redressal mechanism as operating through Helpline-181. Following is the frame work of grievance redressal review in state level Raj Vikas Meeting chaired by the Hon'ble CM:

#### **1. Identification of grievances**

Depending upon several parameters including the duration of pendency and seriousness of the issues involved in the grievances.

**2. Communication to the concern department and the applicant**

Identified grievances are communicated to the concerning administrative Secretary, District Collector, HOD and DLO for their comments and seeking the reasons for delay in disposal/incorrect disposal.

**3. Raj Vikas Meeting Every month on a fixed**

Every month on a fixed day, Raj Vikas Meeting is held under the chairpersonship of the Hon'ble CM. In this meeting Hon'ble CM directly interacts with the complainants and the concerning departments in regard to disposal of grievances at various levels.

## 10. ALIGNING OF CIVIL WORKS WITH THE R&R IMPLEMENTATION

In compliance with the RFTCLARR Act 2013, no structures shall be disturbed until the PAFs have received the entitlements. Construction activities on government land may however, commence after receiving a no objection from the District Collector. Three months' notice will be given to PAFs to vacate their residences and PAFs will be informed accordingly.

An implementation schedule with the tentative resettlement milestones will be a part of the RAP and the schedule (see format given below) will be closely followed up with District Administration in an effort to align the resettlement activities with the construction schedule.

### *Sample Schedule of Relocation plan*

Sl. No.	Relocation Task/Activities	Time schedule
1	Tentative Start of Construction of Relocation Colony	
2	Notice to PAPs and consultation for their relocation	
3	Completion of Construction of houses	
4	Shifting of PAPs	
5	Completion of construction of full colony and shifting of all PAPs	

## 11. MONITORING AND REPORTING

### 11.1 Introduction

The objective of monitoring is to provide the PIU with an effective tool for assessing rehabilitation progress, identifying potential difficulties and problems areas and provide an early warning system for areas that need correction. Continuous supervision and periodic monitoring are an integral part of successful implementation. Monitoring is a warning system for project managers and a channel for the PAPs to express their needs and reactions to the programme.

### 11.2 Internal Monitoring

The Project Management Unit (PIU) will carry out concurrent monitoring of RAP implementation through the PD, PIU and prepare monthly and quarterly progress report in terms of physical and financial progress. In addition, the monitoring process will also look into: the communication and reactions of PAPs; use of grievance procedures; information dissemination to PAPs on benefits; and implementation time table. The monthly internal monitoring reports based on the outcome of consultations and feedback with displaced people who have received assistance and compensation and review of progress of other implementation activates including complains/concerns/issues raised by the PAPs, will be submitted to PMU by the end of 1st week of the subsequent calendar month. The progress report will be reviewed by the PMU and comments if any, will be communicated to PIU for immediate action.

A copy of the quarterly report will be made available to the World Bank by the PMU. In view the significance of resettlement impacts, the monitoring mechanism for this project will have both monitoring by PIU and monitoring by an external agency / expert.

### 11.3 External Monitoring

The external monitoring will include but not limited to: (i) review and verify the monitoring reports prepared by PIU; (ii) monitor the work carried out by NGO and provide training and guidance on implementation; (iii) review the grievance redressal mechanism and report on its working; (iv) mid-term impact assessment through sample surveys amongst displaced persons for midterm corrective action; (v) consultation with PAPs, officials, community leaders for preparing review report; (vi) assess the resettlement efficiency, effectiveness and efficiency of PIU, impact and sustainability, and drawing lessons for future resettlement policy formulation and planning. Some of the important task of external monitoring is the feedback of the PAPs who receives compensation and assistance and also alerts on the risks, non-compliances and early warnings in the implementing.

The indicative monitoring indicators for physical monitoring will be: land acquired (ha) -private; land transferred (ha) - government; issue of ID cards; number of PAPs received full R&R assistance (titleholders); number of PAPs received full R&R assistance (non-titleholders); number of families provided alternative resettlement house; number of vulnerable people received additional support; number of women PAPs who have receive compensation and R&R assistances; number of CPRs relocated; and number of grievance received and resolved. The indicative monitoring indicators for financial monitoring will be: amount paid as land compensation; amount

paid as structure compensation; amount paid as R&R assistances; and amount spent on common property resources.

The indicators should be revisited prior to RAP implementation and revised in accordance with the final approved RPF.

In addition to the above, the following will also be tracked to judge social inclusion and gender mainstreaming in RAP implementation. Proportion of women titleholders who received compensation; number of women headed Family who received R&R assistances; local female and scheduled caste labour force participation in unskilled jobs under contractors; number of vulnerable people who received R&R assistances; proportion of women as beneficiaries of house sites/houses offered in the resettlement site under R&R assistance; and proportion of women participation in consultation meetings during implementation.



## 12. BUDGET AND FUNDING FOR R&R IMPLEMENTATION

### 12.1 Sources of Funds and Flow of Funds

- PWD is the 'requiring body' for land acquisition as per section 3 (zb) of the RFCTLARR Act 2013.
- The 'Administrator' under the RFCTLARR Act 2013 for Land acquisition, preparation of R&R plan and cost estimate, disbursements, monitoring etc. is the State Government.
- State Government concerned will send a demand to PWD for deposit of moneys to be disbursed as per the Sections 26,27, 28,29, 30, 31,32 and Schedules First, Second and Third of the said Act.
- On receipt of such a demand, the same will be examined, verified and if necessary got modified from the State Government concerned and payment made to the State Government in the designated account. Thereafter, it is the responsibility of the 'Administrator' to disburse the eligible amounts amongst the Project Affected Families.
- The Project Management unit will be, with the State Government for ensuring timely and appropriated disbursement.
- If land is purchased from another government authority, the valuation of land is done at existing circle rates and land is transferred through a title change. The cost will be met through the fund allocations to the PWD.
- All costs pertaining to land Acquisition and R&R will be borne by PWD.

### 12.2 Estimated Budget – Consolidated for three priority corridors

The implementation of RAP entails expenditure, which is a part of the overall project cost. The R&R budget, gives an overview of the estimated costs of the RAP and provides a cost-wise, item-wise budget estimate for the three packages. Values for compensation amounts and other support mechanism will be adjusted, based on annual inflation factor.

Around 10% of the total cost has been set aside for physical contingencies. Such type of contingencies may arise as a result of time overrun of the project or due to various other unforeseen circumstances.

The costs estimated mainly include structure cost and R&R assistance costs

**Cost of Civil Works:** While preparing the budget, special emphasis was laid on arriving at an estimate of the replacement value of the assets. The R&R team verified price data from a cross-section of the PAPs, revenue officials in the concerned district; local entrepreneurs engaged in these works and even non-PAPs. The resettlement budget, particularly, the compensation has been computed on this basis.

**R&R assistance:** The R&R assistance amounts such as shifting allowance; subsistence allowance and grant for working shed has been taken from approved R&R policy for the project.

**Cost towards implementation arrangement:** The cost for hiring NGO; M&E agency and implementation of gender action plan has been estimated based on other projects; activities envisaged; and number of PAPs.

The tentative budget for RAP implementation for the three packages is detailed below. It should be noted that this estimate is prepared on the basis of information available so far. Further details would be available at the verification stage and the figures could accordingly be revised.

**Consolidated Budget for SIA/ RAP implementation for Packages 1, 2 and 3**

<b>S. No.</b>	<b>Item</b>	<b>Unit</b>	<b>Rate</b>	<b>Amount (INR)</b>
<b>1.</b>	<b>Cost of Land</b>	<i>(Ha)</i>	<i>(Rs. Per Ha)</i>	
(a)	Banar-Bhopalgarh-Kuchera	31.6	5,00,000	1,58,00,000
(b)	Bhavi-Pipad-Khinvsar	85.69	5,00,000	4,28,45,000
(c)	Jodhpur-Marwar Junction-Jojawar	25.4	7,00,000	1,77,80,000
<b>2.</b>	<b>Cost of Structures</b>	<i>(Sq. Mt.)</i>	<i>(Rs. Per Sq. mt.)</i>	
(a)	Banar-Bhopalgarh-Kuchera	50093	600	3,00,55,800
(b)	Bhavi-Pipad-Khinvsar	42000	600	2,52,00,000
(c)	Jodhpur-Marwar Junction-Jojawar	883	600	5,29,800
<b>3.</b>	<b>R&amp;R Assistance</b>			
(a)	Banar-Bhopalgarh-Kuchera	156	5,00,000	7,80,00,000
(b)	Bhavi-Pipad-Khinvsar	477	5,00,000	2,38,500,000
(c)	Jodhpur-Marwar Junction-Jojawar	301	5,00,000	150,500,000
<b>4.</b>	<b>Studies on Gender</b>			20,00,000
<b>5.</b>	<b>Grievance Redressal Mechanism</b>			10,00,000
<b>6.</b>	<b>Hiring of NGO</b>			50,00,000
<b>7.</b>	<b>M&amp;E</b>			25,00,000
<b>8.</b>	<b>Contingency (10%)</b>			6,09,71,060
	<b>TOTAL</b>			67,06,81,660

**12.3 Budget estimate for all corridors**

Extrapolating from the above budget, based on the estimated land to be acquired from the remaining corridors, we can estimate an additional 25% to the aforementioned cost for R&R for the entire project. The estimate would therefore, be approximately **Rs. 83,83,52,075**.

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## **APPENDIX 1: SUMMARY OF THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013**

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been effective from January 1, 2014 after receiving the assent of the President of Republic of India. This Act extends to the whole of India except the state of Jammu and Kashmir. The Act replaced the Land Acquisition Act, 1894.

The aims and objectives of the Act include: (i) to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution of India, a humane, participative, informed and transparent process for land acquisition for industrialization, development of essential infrastructural facilities and urbanization with the least disturbance to the owners of the land and other affected families; (ii) provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition; (iii) make adequate provisions for such affected persons for their rehabilitation and resettlement; (iv) ensure that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post- acquisition social and economic status and for matters connected therewith or incidental thereto.

Section 27 of the Act defines the method by which market value of the land shall be computed under the proposed law. Schedule I outlines the proposed minimum compensation based on a multiple of market value. Schedule II through VI outline the resettlement and rehabilitation entitlements to titleholders and livelihood losers, which shall be in addition to the minimum compensation per Schedule I.

Preparation of Social Impact Assessment Study under section 4 (1): it is obligatory for the appropriate Government intends to acquire land for a public purpose to carry out a Social Impact Assessment study in consultation with concern Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level in the affected area. The Social Impact Assessment study report shall be made available to the public in the manner prescribed under section 6.

**Notification under Section 11 (1):** Whenever, it appears to the appropriate Government that land in any area is required or likely to be required for any public purpose, a notification to that effect along with details of the land to be acquired in rural and urban shall be published in the official Gazette; in two daily newspapers circulating in the locality of such area of which one shall be in the regional language; in the local language in the *Panchayat*, Municipality or Municipal Corporation, as the case may be and in the officers of the District Collector, The Sub-divisional Magistrate and the *Tehsil*; uploaded on the website of the appropriate Government; in the affected areas.

**Hearing of Objection under section 15 (1):** any person interested in any land which has been notified under sub-section (1) of section II, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification makes his/her objection, if any, to the collector in writing and shall be heard by the collector or by any person

authorized by him/her in this behalf or by an Advocate. After hearing all such objections and after making such further inquiry, if any, as he/she thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of Section II, make different reports in respect of different parcels of such land to the appropriate Government, containing his/her recommendations on the objections, together with the records of the proceedings held by him/her along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of that Government.

**Publication of declaration and summary of Rehabilitation and Resettlement under section 19 (1):** when the appropriate Government is satisfied, after considering the report, if any, made under sub-section (2) of section 15, that any particular land is needed for a public purpose, a declaration shall be made to that effect, along with a declaration of an area identified as the “resettlement area” for the purpose of rehabilitation and resettlement of the affected families. It is obligatory for the State to publish declaration in the official Gazette; in two daily newspapers circulating in the locality of such area of which one shall be in the regional language; in the local language in the *Panchayat*, Municipality or Municipal Corporation, as the case may be and in the officers of the District Collector, The Sub-divisional Magistrate and the *Tehasil*; uploaded on the website of the appropriate Government; in the affected areas.

After declaration the Collector shall take order for acquisition. The Collector then causes the land to be marked out, measured and planned. The Collector then causes public notice to be given at convenient places on or near the land to be taken, stating the intention of the Government to take possession of the land, and that claims to compensation may be made.

**Enquiry and Land Acquisition award by Collector under section 23:** on the day so fixed, or any other day to which the enquiry has been adjourned, the Collectors shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 21, to the measurements made under section 20, and into the value of the land at the date of the publication of the notification, and into the respective interest of the persons claiming the compensation and rehabilitation and resettlement, shall make an award under his/her hand of:

- i. the true area of the land;
- ii. the compensation as determined under section 27 along with Rehabilitation and Resettlement award as determined under section 31 and which in his/her opinion should be allowed for the land, and;
- iii. the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

**Period within which an Award shall be made:** under section 25, it is obligatory for the Collectors to make an Award within a period of twelve months from the date of publication of the declaration under section 19 and if no Award is made within the period, the entire proceedings for the acquisition of the land shall lapse.

**Determination of market value of land by Collector under section 26 (1):** the Collector shall adopt the following criteria's in assessing and determining the market value of the land, namely:

- iv. the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or
- v. the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or
- vi. Consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects. Wherever is higher.

**Determination of amount of Compensation under section 27:** the Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land.

**Determination of value of things attached to land or building under section 29 (1):** the Collector in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him/her. Under section 29 (2), the Collector for the purpose of determining the value of trees and plants attached to the land acquired, use the services of experienced persons in the field of agriculture. In the same manner, the Collector under section 29 (3), for the purpose of assessing the value of standing crops damaged during the process of land acquisition, may use the services of experienced persons in the field of agriculture.

**Rehabilitation and Resettlement Award for affected families by Collector under section 31 (1) of section V:** the Collector shall pass Rehabilitation and Resettlement Awards for each affected family in terms of the entitlements provided in the second schedule. As per section 31 (1), the Rehabilitation and Resettlement Award shall include all the following, namely;

- vii. rehabilitation and resettlement amount payable to the family;
- viii. bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;
- ix. particulars of house site and house to be allotted, in case of displaced families;
- x. particulars of the land allotted to the displaced families;
- xi. particulars of one time subsistence allowance and transportation allowance in case of displaced families;
- xii. particulars of payment for cattle shades and petty shops;
- xiii. particulars of one time amount to artisans and small traders;
- xiv. details of mandatory employment to be provided to the members of the affected families;
- xv. particulars of any fishing rights that may be involved;
- xvi. particulars of annuity and other entitlements to be provided;

- xvii. particulars of special provisions for the scheduled cast and the scheduled tribes to be provided.

**Special powers in case of urgency to acquire land in certain cases under section 40 (1):**in case of urgency, whenever the appropriate Government so directs, the Collector, though no such award has been made, may, on the expiration of thirty days from the publication of the notice mentioned in section 21, take possession of any land needed for a public purpose and such land shall thereupon vest absolutely in the Government, free allencumbrances.

**Special Provision for Scheduled Caste and Scheduled Tribes under section 41 (1):**as far as possible, no acquisition of land shall be made in the Scheduled Areas. As per section 41 (2), where such acquisition does take place it shall be done only as a demonstrable last resort. As per section 41(3), in case of land acquisition in Scheduled Area, the prior consent of the concerned *Gram Sabha* or the *Panchayats* or the autonomous District Councils shall be obtained.

2. In case of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Cast or the Scheduled Tribes families, a Development Plan shall be prepared (section 41 [4]). As per section 41 (5), the Development Plan shall also contain a program for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years.

3. In case of land being acquired from members of Scheduled Cast or the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families initially as first installment and the rest shall be paid after taking over of the possession of the land. The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and culture identity.

4. Under section 42 (1), all benefits including the reservation benefits available to Scheduled Cast and the Scheduled Tribes in the affected areas shall continue in the resettlement area.

## APPENDIX 2: INDICATIVE MONITORING INDICATORS

### A. Delivery of Entitlements

- Entitlements disbursed, compared with number and category of losses set out in the entitlement matrix.
- Disbursements against timelines.
- Identification of the displaced persons losing land temporarily, e.g. through soil disposal, borrow pits, contractors' camps, been included.
- Timely disbursements of the agreed transport costs, relocation costs, income substitution support, and any resettlement allowances, according to schedule.
- Provision of replacement land plots.
- Quality of new plots and issue of land titles.
- Restoration of social infrastructure and services.
- Progress on income and livelihood restoration activities being implemented as set out in the income restoration plan, for example, utilizing replacement land, commencement of production, the number of the displaced persons trained in employment with jobs, microcredit disbursed, number of income-generating activities assisted.
- Affected businesses receiving entitlements, including transfer and payments for net losses resulting from lost business.

### B. Consultation and Grievances

- Consultations organized as scheduled including meetings, groups, and community activities.
- Knowledge of entitlements by the displaced persons.
- Use of the grievance redress mechanism by the project affected persons.
- Information on the resolution of the grievances.
- Information on the implementation of the social preparation phase.
- Implementation of special measures for Indigenous Peoples.

### C. Communications and Participation

- Number of general meetings (for both men and women).
- Percentage of women out of total participants.
- Number of meetings exclusively with women.
- Number of meetings exclusively with vulnerable groups.
- Number of meetings at new sites.
- Number of meetings between hosts and the displaced persons.
- Level of participation in meetings (of women, men, and vulnerable groups).
- Level of information communicated - adequate or inadequate.
- Information disclosure.
- Translation of information disclosure in the local languages.



#### **D. Budget and Time Frame**

- Land acquisition and resettlement staff appointed and mobilized on schedule for the field and office work.
- Capacity building and training activities completed on schedule.
- Achieving resettlement implementation activities against the agreed implementation plan.
- Funds allocation for resettlement to resettlement agencies on time.
- Receipt of scheduled funds by resettlement offices.
- Funds disbursement according to the RAP.
- Social preparation phase as per schedule.
- Land acquisition and occupation in time for implementation.

#### **E. Livelihood and Income Restoration**

- Number of displaced persons under the rehabilitation programs (women, men, and vulnerable groups).
- Number of displaced persons who received vocational training (women, men, and vulnerable groups).
- Types of training and number of participants in each.
- Number and percentage of displaced persons covered under livelihood programs (women, men, and vulnerable groups).
- Number of displaced persons who have restored their income and livelihood patterns (women, men, and vulnerable groups).
- Number of new employment activities.
- Extent of participation in rehabilitation programs.
- Extent of participation in vocational training programs.
- Degree of satisfaction with support received for livelihood programs.
- Percentage of successful enterprises breaking even (women, men, and vulnerable groups).
- Percentage of displaced persons who improved their income (women, men, and vulnerable groups)
- Percentage of displaced persons who improved their standard of living (women, men, and vulnerable groups)
- Number of displaced persons with replacement agriculture land (women, men, and vulnerable groups)
- Quantity of land owned/contracted by displaced persons (women, men and vulnerable groups)
- Number. of households with agricultural equipment
- Number of households with livestock

#### **F. Benefit Monitoring**

- Noticeable changes in patterns of occupation, production, and resource use compared to the pre-project situation.
- Noticeable changes in income and expenditure patterns compared to the pre- project situation.

- Changes in cost of living compared to the pre-project situation.
- Changes in key social and cultural parameters relating to living standards.
- Changes occurred for vulnerable groups.
- Benefiting from the project by the PAPs .

### APPENDIX 3: LAR PLANNING AND IMPLEMENTATION MONITORING FORM

<b>Date:</b>	<b>Total number of economically and physically displaced households/entities:</b>
<b>Project site:</b>	

#### A. LAR processing

LAR Activity	Task Completed ( <input type="checkbox"/> )	Displaced households (No.)			Comments
		Completed to date	Total	%	
Mobilize LAR officers, incl. PIU, consultant		--	--	--	
Screen LAR impacts		--	--	--	
Provide existing records of PAPs & affected assets		--	--	--	
Prepare preliminary detailed technical design and maps of LAR impacts		--	--	--	
Undertake field verification of LAR impacts and identify/minimize		--	--	--	
Hold LARC meetings		--	--	--	
Hold first PAP consultation meeting		--	--	--	
Establish and operate GRM		--	--	--	
Finalize detailed technical design & LAR Impact Map		--	--	--	
Carry out census of PAPs & Inventory of Lost Assets					
Declare cut-off date and notify PAPs					
Carry out socio-economic survey					

LAR Activity	Task Completed (□)	Displaced households (No.)			Comments
		Completed to date	Total	%	
Undertake Detailed Measurement Survey and Valuation of Lost Assets					
Prepare draft Final LARP		--	--	--	
Contract external experts for verification of monitoring		--	--	--	
Hold consultation meeting with PAPs on draft Final LARP					
Reach negotiated agreements with individual PAPs					
Revise draft Final LARP		--	--	--	
Submit revised draft Final LARP to WB		--	--	--	
Hold consultation meeting with PAPs on revised draft Final LARP					
Finalize LARP		--	--	--	
Provide IA and EA endorsement of Final LARP		--	--	--	
Disclose endorsed Final LARP to PAPs and on WORLD BANK website					
Conclude agreements with PAPs					
Initiate expropriation procedures if necessary					
Request and obtain resolution for funding of LAR from Government		--	--	--	
Transfer of 100% LAR funds to {name of agency in charge of land administration and LAR, and IA/PIU		--	--	--	
Hold consultation meeting on disbursement and LARP implementation schedule					
Disbursement of compensation completed					
Relocation strategy implemented					

LAR Activity	Task Completed (□)	Displaced households (No.)			Comments
		Completed to date	Total	%	
Income restoration strategy in place		--	--	--	
Income restoration completed					
Land and structures acquired					
Civil works commenced (where LARP provisions are implemented)		--	--	--	

### B. Compensation, relocation and income restoration

LAR Activity	Task Completed (□)	Displaced households (No.)			Units <sup>3</sup>			Cost (local currency)			Comments
		Comp l. to date	Total	%	Compl. to date	Total	%	Comp l. to date	Total	%	
<b>Disburse compensation payments</b>											
<b>Land</b>											
<i>Agricultural</i>											
Irrigated											
Non-irrigated											
Pasture											
Wasteland											
Pond											
Lease reimbursement for tenants											
<i>Residential</i>											
Type 1											

<sup>3</sup> Indicate applicable unit of measurement or omit if specific units cannot be identified and applied.

Type 2											
Type 3											
<i>Commercial</i>											
Type 1											
Type 2											
Type 3											
<i>Public</i>											
<i>Rental fee, temporary acquisition</i>											
<b>Structures</b>											
<i>Houses/buildings</i>											
Type 1											
Type 2											
Type 3											
Type 4											
<i>Partial rebuilding of structure</i>											

LAR Activity	Task Completed ( <input type="checkbox"/> )	Displaced households (No.)			Units <sup>10</sup>		Cost (local currency)			Comments	
		Compl. to date	Total	%	Compl. to date	Total	%	Compl. to date	Total		%
<i>Fences</i>											
Type 1											
Type 2											
Type 3											

<i>Latrine</i>											
<i>Shed</i>											
Type 1											
Type 2											
Iron container											
<i>Shop</i>											
Type 1											
Type 2											
<i>Parking lot</i>											
<i>Bridge, wood</i>											
<i>Drain</i>											
<i>Concrete wall</i>											
<i>Electricity connection</i>											
<i>Greenhouse</i>											
<b>Transaction costs</b>											
<i>Contract notarization</i>											
<i>Cadastral map survey</i>											
<i>Property rights registration</i>											
<i>Services fees</i>											
<b>Implement relocation strategy</b>											
<i>Agricultural replacement land</i>											
<i>Residential and commercial replacement land</i>											

LAR Activity	Task Completed ( <input type="checkbox"/> )	Displaced households (No.)			Units <sup>10</sup>			Cost (local currency)			Comments
		Compl. to date	Total	%	Compl. to date	Total	%	Compl. to date	Total	%	
<i>Fences</i>											
Type 1											
Type 2											
Type 3											
<i>Latrine</i>											
<i>Shed</i>											
Type 1											
Type 2											
Iron container											
<i>Shop</i>											
Type 1											
Type 2											
<i>Parking lot</i>											
<i>Bridge, wood</i>											
<i>Drain</i>											
<i>Concrete wall</i>											
<i>Electricity connection</i>											
<i>Greenhouse</i>											
<b>Transaction costs</b>											
Contract notarization											



<i>Cadastral map survey</i>												
<i>Property rights registration</i>												
<i>Services fees</i>												
<b>Implement relocation strategy</b>												
<i>Agricultural replacement land</i>												
<i>Residential and commercial replacement land</i>												

LAR Activity	Task Completed( <input type="checkbox"/> )	Displaced households (No.)			Units <sup>10</sup>			Cost (local currency)			Comments	
		Com pl. to date	Total	%	Compl . to date	Total	%	Compl. to date	Total	%		
<i>Residential, commercial and other replacement structures</i>												
<i>Other site development costs</i>												
<i>Moving expenses</i>												
<i>Transition allowance (rental and expenses)</i>												
<b>Commence implementation of income restoration strategy</b>												
<b>Crops</b>												
Species 1												

Species 2											
Species 3											
<b>Trees</b>											
Species 1											
Species 2											
Species 3											
<b>Business loss</b>											
<b>Salary loss</b>											
<i>Support for land productivity enhancement</i>											
<i>Occupational training programs</i>											
<i>Micro-credit facility</i>											
<b>Vulnerable persons</b>											
Subsistence allowance											
Occupational training											
Project employment											

LAR Activity	Task Completed( <input type="checkbox"/> )	Displaced households (No.)			Units <sup>10</sup>			Cost (local currency)			Comments
		Compl. to date	Total	%	Compl. to date	Total	%	Compl. to date	Total	%	
Assistance with provision of replacement assets											

Assistance with administration of resettlement											
Access to land & residence during temp. impact											

## APPENDIX 4: SAMPLE TOR FOR THE EXTERNAL MONITOR

### A. Project Description

Government of Rajasthan has proposed to upgrade its road network under Rajasthan State Highway Investment Program (RSHIP) and as part of this endeavour, Public Works Department (PWD) of Rajasthan has been mandated to undertake improvement and upgradation of various State Highways and Major District Roads at different locations in Rajasthan. As part of this mandate, the PPP Division of Rajasthan Public Works Department has identified the roads requiring improvement that would improve the connectivity to national highways, major towns and industrial belts. The proposed investment program will support up gradation and improvement of the identified roads and Tranche-I will finance 11 road projects totaling of about 800 Km spread across the State of Rajasthan.

The Public Private Partnership (PPP) Cell of the Public works Department has prepared the Resettlement Action Plan (RAP) for under Tranche-I for improvements under RSHIP. This RAP addresses social issues arising out of acquisition of land and other assets, eviction of squatters and removal of encroachments resulting in social and / or economic displacement to households / individuals / community, either direct or indirect and is in compliance with WORLD BANKSafeguard Policies and Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

A Resettlement Action Plan (RAP) has been prepared to assist the affected people to improve or at least restore their living standards to the pre-project level. This RAP captures the involuntary resettlement impacts arising out of the proposed improvements to the road subprojects under RSHIP. The document describes the magnitude of impact, mitigation measures proposed, method of valuation of land, structure and other assets, eligibility criteria for availing benefits, baseline socio-economic characteristics, entitlement based on type of loss and tenure, the institutional arrangement for delivering the entitlements and mechanism for resolving grievances and monitoring. The summary of RAP with subproject impacts is given in an annexure.

The PIUs have appointed agencies/NGO's to support the respective PIU in RAP implementation. The subproject includes a provision for monitoring and evaluation of the implementation of the subproject RAPs by an external monitor/agency. Therefore, the PMU requires the services of a reputed individual/consultancy firm for monitoring and evaluation of RAP implementation.

### B. Scope of work –Generic

The scope of work includes:

- To review and verify the progress in resettlement implementation as outlined in the RAP;
- To monitor the effectiveness and efficiency of PIU, and NGO in RAP implementation;
- To assess whether resettlement objectives, particularly livelihoods and living standards of the Project Affected Persons (PAPs) have been restored or enhanced;

- To assess resettlement efficiency, effectiveness, impact and sustainability, drawing both on policies and practices and to suggest any corrective measures, if necessary; and
- To review the project impacts on vulnerable groups, indigenous people and groups and assess the effectiveness of the mitigative actions taken.

### **C. Scope of work-Specific**

The major tasks expected from the external monitor are:

- To develop specific monitoring indicators for undertaking monitoring for RAP implementation;
- Review results of internal monitoring and verify claims through random checking by adopting suitable sampling method at the field level to assess whether land acquisition/resettlement objectives have been generally met;
- Involve the affected people and community groups in assessing the impact of land acquisition for monitoring and evaluation purposes;
- Evaluate and assess the adequacy of compensation and R&R assistances given to the PAPs, the resettlement sites developed and relocation process and the livelihood opportunities and incomes as well as the quality of life of PAPs; and
- To evaluate and assess the adequacy and effectiveness of the consultative process with PAPs, particularly those vulnerable, including the adequacy and effectiveness of grievance procedures and legal redress available to the displaced persons, and dissemination of information about these.

### **D. Time Frame and Reporting**

The independent monitoring agency/expert will be responsible for overall monitoring of the RAP implementation and will submit quarterly review directly to PMU for onward transmission to WORLD BANK with PMU's comments.

### **E. Qualifications**

The monitoring agency/expert will have significant experience in resettlement policy analysis and RAP implementation. Further, work experience and familiarity with all aspects of resettlement operations would be desirable. The Team Leader / Expert should have the following qualification: (i) postgraduate degree in social science; (ii) 15 years' experience in R&R; (iii) experience in WORLD BANK funded R&R projects; and (iv) R&R monitoring experience in WORLD BANK funded projects. Interested agencies/consultants should submit proposal for the work with a brief statement of the approach, methodology, and relevant information concerning previous experience on monitoring of resettlement implementation and preparation of reports.

The profile of agency/expert along with full CV of monitors to be engaged must be submitted along with the proposal.

### **F. Budget and Logistics**

Copies of the proposal - both technical and financial - should be submitted and the budget should

include all cost and any other logistics details necessary for resettlement monitoring.